

# THE REPORT

**THIS ISSUE  
A MATTER OF WAR  
64-Pages**



Abraham Lincoln, the War Between the states, Suspension of the Constitution,  
and the Establishment of the Federal Military Government (Martial Law)  
by Greg Loren Durand

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Introduction

Americans have been surprised and confused about the growth of their government because they have been watching the wrong facts. They have been obsessed with the introverted view of government and did not see the exterior factors that stimulate government most powerfully.

The impact of war on government is evident throughout American history. Each war enlarged the capacity of the government to do things. Thereafter the enlarged capacity of the government *turned out to be too useful to be given up* (emphasis in original).(1)

It is a given axiom of warfare, whether such warfare is prosecuted in the clash of physical weapons or merely in the clash of opposing worldviews, that one cannot be an effective soldier without fully understanding the mindset and strategies of his enemy. The main purpose of this book, therefore, is to unveil the so-called “war powers” of the President of the United States — the very heart and soul of the bureaucratic machinery operating today in Washington, D.C. — and explain how “an ignorant, boorish, third-rate, backwoods lawyer”(2) came to invoke these powers in the mid-Nineteenth Century to nearly single-handedly dismantle a Union of sovereign States(3) which had stood for seventy-two years. If the reader retains nothing else, let this one fact remain permanently impressed upon his mind — the “separation of powers,” believed so necessary by the framers of the Constitution for the United States of America to maintain a “republican form of government,” and written as if in stone in that revered document, ended on 15 April 1861 when the sixteenth President, Abraham Lincoln, called forth 75,000 militia

to make war on the seceded States of the South. At that time, the former Union of sovereign States, which had been held together by mutual friendship and trust, gave way to a consolidated Nation wherein the States were subjugated to a centralized Government at the point of a bloody bayonet. Today, over one hundred and thirty years later, the Union established by our forefathers in the Constitution has yet to be restored.

Throughout this book, the Author has attempted to maintain the proper distinction between “state” and “State.” The former term is applied to any community of people who have the following characteristics in common: (1) religion; (2) language or cultural heritage; and (3) a political philosophy. The latter term is applied to the political entity which is created by the people of a state and assigned in a constitution with the task of acting in their behalf to perform specifically enumerated functions. Thus a state is theoretically superior to a State and the people should therefore retain their sovereignty over their creation:

[I]n our country the people are sovereign and the government [the State] cannot sever its relationship to the people by taking away their citizenship [in the state] (387 U.S. 257, 87 S.Ct. 1662).

Agency is the legal relationship created by express or implied agreement [constitution] or by operation of law, whereby agent [the State] is authorized to act for the principal [the state], subject to the principal's control (Karl Rove and Company v. Thornburgh [C.A. 5th, Tex. 1994] 39 F.3rd. 1273).

In considering State constitutions we must not commit the mistake of supposing that, because individual rights are guarded and protected by them, they must also be considered as owing their origin to them. These instruments measure the powers of the rulers, but they do not measure the rights of the governed. “What is a constitution, and what are its objects?” It is easier to tell what it is not than what it is. It is not the beginning of a community [a state], nor the origin of private rights; it is not the fountain of law, nor the incipient state of the government; it is not the cause, but the consequence, of personal and political freedom; it grants no rights to the people, but is the creature of their power, the instrument of their convenience. Designed for their protection in the enjoyment of the rights and powers which they possessed before the constitution was made, it is but the framework of the political government [the State], and necessarily based upon the pre-existing condition of laws, rights, habits, and modes of thought. There is nothing primitive in it; it is all derived from a known source. It presupposes an organized society [a state], law order, property, personal freedom, a political liberty, and enough of cultivated intelligence to know how to guard it against the encroachments of tyranny. A written constitution is in every instance a limitation upon the powers of government in the hands of the agents; for there never was a written republican constitution which delegated to functionaries all the latent powers, which lie dormant in every nation, and are boundless in extent, and incapable of definition (Thomas McIntyre Cooley, *A Treatise on Constitutional Limitations* [Boston, Massachusetts: Little, Brown, and Company, 1868], pages 36-37).

Experience, however, instructs us that such a doctrine, though true in theory, does not always prove true in practice. Although it is not the purpose of the present work to discuss this particular subject in great detail, it should be noted that the future of a particular State can be predicted simply by examining the presuppositions of the state which

formed it. A Christian state is based upon the presupposition that Jesus Christ is Lord over all areas of life and that His Law must be obeyed by all men, from the lowliest servant to the highest magistrate (Psalm 2; Romans 13:1). The people of a state (the Church in that geographical location) enjoy derived sovereignty as a result of their covenantal union with Christ. Consequently, the Christian State will be established upon the same principles and its constitution will be written so as to prevent any deviation from the original intent; strict construction is the necessary by-product of such a presupposition.

A pagan state, however, is based upon the presupposition that man, not God, is “the measure of all things,” and that his sovereignty is individual and inherent, rather than held in common and derived from Christ. With no external standard to which they can look, the people of such a state will not be able to rise above their own depravity. As will be demonstrated in Chapter One, fallen men will thus create a State consisting of inherent tensions and contradictions which will inevitably lead to the formation of warring factions and either the eventual subjugation of one faction to another or the utter disintegration of the whole.

#### The Evolution of the Federalist Faction

In his Farewell Address, delivered to the American people in 1796, George Washington warned:

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

In contemplating the causes which may disturb our union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations: Northern and Southern; Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection....

Let me now take a more comprehensive view, and warn you in the most solemn man-

ner against the baneful effects of the spirit of party generally. This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.(1)

Washington's warning came too late, for the "spirit of party" (faction), which would eventually bring the country to ruin in less than two generations, had already begun to thrive like a noxious plant in the soil of American liberty. Ironically, its roots went deep into the very system of government which Washington called upon his countrymen to cherish and defend above all things. As pointed out by Stephen D. Carpenter in 1864:

...[T]here were three classes in the National Convention that formed our Constitution — the purely Democratic, who had a constant dread of Federal encroachments, and were for gauging the power of the General Government to the lowest scale; a Democratic Republican party, that desired to invest the Federal Government with just enough power to make it efficient, and no more; and the Monarchists, "a small but active division," who utterly repudiated a Republican form of government. This faction ultimately attached themselves to the Federal party.(2)

Prior to the ratification and implementation of the United States Constitution in 1789, the Anti-Federalists voiced their fears that there were serious flaws in the proposed system of government which would eventually move it in the direction of consolidation, thereby usurping the sovereignty of the several States. The majority of the opponents of ratification were from the South, and Virginia in particular, and were men who recognised the danger posed to the liberty of the people of both sections by special commercial interests in the Northeast. Northern delegate to the Philadelphia Constitutional Convention, Nathaniel Gorham, had already candidly admitted that "the Eastern States had no motive to Union but a commercial one.(3) Virginian delegates Edmund Randolph and George Mason voiced their objections throughout the Convention that the "energetic government" outlined by the delegates would prove to be a Northern-dominated oligarchy. Mason, who "would rather chop off his right hand than put it to the Constitution" as it was written,(4) believed that the document would "produce a monarchy or a corrupt, oppressive aristocracy," and that the new Government would "most probably vibrate some years between the two, and then terminate in one or the other." (5) He also predicted that, in ratifying the Constitution, the "Southern States... will deliver themselves bound hand & foot to the Eastern States..."(6) This prediction was echoed by Benjamin Harrison when he stated, "If the Constitution is carried into effect, the States south of potowmac [sic], will be little more than appendages to those to the northward of it." (7)

Luther Martin of Maryland believed that the hidden agenda of the advocates of the Constitution was "the total abolition and destruction of all state governments." It was his

suspicion that it was written to seem “federal” enough on the surface for the benefit of the unsuspecting public, but that once ratified, all such appearances would be dropped “to render it wholly and entirely a national government.”(8) An equally suspicious William Grayson predicted that Northern delegates would demand “a very strong government, & wish to prostrate all the state legislatures,” and then added, “[B]ut I don’t learn that the people are with them.”(9) In a letter to New York Governor James Bowdoin, Edbridge Gerry, Rufus King, and Samuel Holten warned that the proposed revision of the Articles of Confederation was premature, and that the country’s republican institutions were in danger from “plans artfully laid, & vigorously pursued, which had they been successful, we think, would inevitably have changed our republican Governments, into baleful Aristocracies.”(10) One anonymous Anti-Federalist in South Carolina expressed his apprehension in verse:

When thirteen states are moulded into one  
Your rights are vanish’d and your honors gone;  
The form of Freedom shall alone remain,  
As Rome had Senators when she hugg’d the chain.  
In Five short years of Freedom weary grown  
We quit our plain republics for a throne;  
Congress and President full proof shall bring  
A mere disguise for Parliament and King(11)

It is a little known fact of history that a Southern confederacy was first proposed in 1787 when George Mason was joined in his public opposition to the Constitution by fellow Virginian, Patrick Henry.(12) It was Henry’s fear that the Constitution would result in all the monetary and military powers of the country being centralized in the hands of the Executive branch: ...[W]here and when did freemen exist when the purse and the sword were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the purse and the sword. Can you prove by any argumentative deduction that it is possible to be safe without one of them? If you give them up, you are gone.(13) Henry, who had refused to even attend the Convention at Philadelphia because he “smelt a rat,”(14) enjoyed such a prominent reputation as a statesman that he represented a formidable impediment to the ratification of the Constitution by the Old Dominion State. Viewed as “the great adversary who will render the event [ratification] precarious,” he was routinely denounced by Federalists as the “nefarious and highly Criminal P. Henry.”(15)

Though the Anti-Federalists were varied in their political backgrounds, they all seemed to have one thing in common: nearly to a man, they all foresaw “a great variety of impending woes to the good people of the southern States”(16) should the Constitution go into effect between the several States. In the words of George Mason, “the Constitution as it stood was swollen with dangerous doctrine”(17) — doctrine which would be taken advantage of by, as Richard Henry Lee characterized the Federalists, a faction “of monarchy men, military men, aristocrats and drones whose noise, impudence and zeal exceeds all belief.”(18)

The “noise” generated by the Federalists was certainly loud, and for good reason: The Anti-Federalists had been amazingly accurate in their assessment of the opposing party, whose members privately were planning to “overset our state dung cart with all

its dirty contents,”(19) and who spoke amongst themselves of “the Revolution” to destroy “the monstrous system of State governments.”(20) Alexander Hamilton, the arch-Federalist who “hated Republican Government, and never failed on every occasion to advocate the excellence of and avow his attachment to a Monarchic form of Government,”(21) exclaimed in an emotional outburst during a speech in New York, “The People! Gentlemen, I tell you the people are a great Beast!”(22) Since it was essential to Federalist plans that the general public — the very people that the Federalists held in such contempt — be led to willingly accept the new system of government, the Anti-Federalists had to be either silenced or discredited. As would become their trademark, Federalist writers chose to avoid direct debate and began instead to unleash a volley of vicious epithets against their dissenters. Opponents of ratification were caricaturized by the press as “spirits of discord,” “selfish patriots,” and “pettifogging antifederal scribblers” who were conspiring as “the confirmed tools and pensioners of foreign courts” and were “fabricating the most traitorous productions” designed to discredit the new Constitution. For their “treason,” the Anti-Federalists deserved “the most opprobrious gibbet of popular execration odium and infamy.”(23) One New Jersey newspaper suggested that Federalists adopt the name of “Washingtonians,” while the label of “Shayites” (rebels) should be applied to the Anti-Federalists.(24) Another Federalist from Hartford, Connecticut wrote:

Shun, my countrymen, the sham patriot, however dignified, who bids you distrust the Convention. Mark him as a dangerous member of society.... Fix your eyes on those who love you... on those whose views are not bounded by the town or county which they may represent, nor by the state in which they reside, nor even by the union — their philanthropy embraces the interest of all nations (emphasis in original).(25)

The Anti-Federalist response to this type of journalism was equally as passionate: It is an excellent method when you cannot bring reason for what you assert, to fall to ribaldry and satire... instead of arguments, spit out a dozen mouthful of names, epithets, and interjections in a breath, cry Tory! Rebel! Tyranny! Centinel! Anarchy! Sidney! Monarchy! Misery! George the Third! Destruction! Arnold! Shays! Confusion! & c. & c.(26) Most Americans will automatically associate the subject of secession with the South in the mid-Nineteenth Century, but what is not widely known is that the threat of secession was first given a voice by angry Federalists when the ratification of the Constitution apparently stalled in Virginia, New York, and Rhode Island. The ink on the parchment of the Constitution was scarcely dry before the radicals in the New England States again sought to rid themselves of their union with the South. For example, the Hartford Courant published the following statement in 1796: The question must soon be decided whether we shall continue as one Nation. Many advantages were supposed to be secured and many evils avoided by a Union of States, but at that time those advantages and evils were magnified to far greater size than either would be if the question at this moment was to be settled. The Northern States can subsist as a Nation, a Republic, without any connection with the Southern. If the Southern people were possessed with the same political ideas, our Union would be more close than in separation....

It is a serious question whether we shall part with the States South of the Potomac. No man north of that river, whose heart is not thoroughly Democratic, can hesitate what decision to make. In a future paper I shall consider some of the great events which will tend

to the separation of the United States. I will endeavor to prove the impossibility of a Union, lasting for any long period, in the future, both from the moral and political habits of the Southern States. I will carefully examine and see whether we have not already approached the era when the Union of States must be divided.(27)

The move of the North towards revolution and dissolution of the Union reached a feverish peak during the second war with England from 1812-1814. Dissatisfied with the war because it interfered with commercial intercourse with Great Britain, the New England States repeatedly threatened to separate from the South by violent revolution. On 14 February 1814, both houses of the Massachusetts State Legislature passed this resolution: "The question of New England's withdrawal from the Union is not a question of power or of right to separate, but only a question of time and expediency."(28) In October of that same year, a committee of the Massachusetts Legislature submitted a report which called for a convention of the New England States for the purpose of forming, in the words of Timothy Pickering, "a new Confederacy, exempt from Democracy's [Democratic Republicanism's] influence."(29) The result was the Hartford Convention, which met on 15 December 1814 to make plans for the secession of the New England States upon the principles that "it is not only the right, but the duty, of each State to interpose its authority in the manner best calculated to secure its own protection," and that "States must be their own judges and execute their own decisions (emphasis in original)."(30) A constitution for this New England confederacy was actually drawn up and was "to go into operation as soon as two or three States shall have adopted it."(31)

These proceedings were not conducted in secret, but were openly reported, and applauded, by the New England press. For example, on 10 September 1814, the Boston Centinel stated:

The Union of the Northern and Southern States is very much opposed to the interests of both sections. The extent of territory is too large to be governed by the same representative body. Each section will be better satisfied to govern itself. Each is large and populous enough for its own protection. The Western States will govern themselves better than the Atlantic can govern them. It is certain that the Atlantic States do not want the aid or counsel of the Western States. The public welfare would be more promoted in a separate than in a Federal Constitution.(32)

On the fifteenth of December, the same organ declared:

By a commercial treaty with England, which shall provide for the admission [into the New England confederacy] of such States as may wish to come into it, and which shall prohibit England from making a treaty with the South or West, our commerce will be secured to us, our standing in the Nation raised to its proper level, and New England's feelings will no longer be sported with or her interests violated.(33)

What wretched hypocrisy it was for these same States to send their troops to invade and devastate the South only a generation later for acting upon the very same principles of State sovereignty and rights which they so openly asserted for themselves. It should be noted that, while Southerners were spilling their blood in defense of their country, New Englanders continued to carry on commercial intercourse with English merchant ships which hovered off the Atlantic coast and around Boston harbor in particular.(34) It was openly declared that the Northeastern States intended to "withhold [their] money and make a separate peace with Great Britain."(35) This proposed treaty would have

involved a military union of Old and New England against the Southern States to “humble the pride of Virginia and chastise the insolence of the madmen of Kentucky and Tennessee, who aspire to the Government of these States.”(36) In an open letter to President James Madison entitled “Northern Grievances,” the Northern Federalist faction declared that, should negotiations with Great Britain be defeated by those in the seats of Government in Washington, “the injured States of New England will be compelled by duty and honor to dash into atoms the bonds of tyranny” by waging war against the South. Arrogant and self-righteous in their hatred of the Union, these men went on to write the following:

Posterity will admire the independent spirit of the Eastern section of our country, and will enjoy the fruits of our firmness and our wisdom. The descendants of the South and the West will have reason to curse the folly of your counsels. Bold and resolute in the sacred object, no force can withstand our powerful arms. The most numerous army will melt before our manly strength. History will instruct you that the feeble debility of the South could never face the vigorous activity of the North.... The aggregate strength of the South and West, if brought against the North and East, would be driven into the ocean or back to their own wilds, and they might think themselves fortunate to escape other punishment.... We will no longer submit. Name an immediate peace. Protect our seamen. Unless you comply with these just demands without delay, we will withdraw from the Union (emphasis in original).(37)

As Matthew Carey observed in *The Olive Branch*, “Massachusetts has dared the national Government to conflict. She has seized it by the throat, determined to strangle it if she can.”(38) What better illustration of actual treason — levying war against the United States and giving aid and comfort to their enemies(39) — could have been supplied than the actions of the North in 1814? And yet, this threatened, and practically accomplished, rending of the national fabric was answered neither by the Southern people with epithets of “rebel” nor by the general Government with military coercion.

In his book, *Facts and Falsehoods Concerning the War on the South*, George Edmonds wrote:

The Northeastern States early sought to create prejudice and disunion sentiment, not on account of any existing fact, but to array section against section, to stimulate hate and discord for the purpose of accelerating their darling object, the dissolution of the Union and the formation of a Northeastern Confederacy. Press, politicians and preachers were continually harping on causes which made disunion desirable. The motives which actuated New England disunionists was the desire to have what Hamilton called a strong government, understood to mean an autocracy similar to that of England, a large standing army, a heavy public debt, owned by the favored few, to whom the common masses should pay tribute, under the guise of interest. The main public offices were to be held by the rich and noble for long periods, or for life. It was argued that a national debt would be a national blessing, and prohibitive tariff, under the guise of protection, would be a blessing. These were the motives which led the early Federalists to want disunion.(40)

These words should be carefully considered and re-considered, for they reveal the true cause of the War of 1861 which for over one hundred and thirty-five years has been obscured under layers of “politically correct” propaganda. As we will see in the next

chapter, slavery was merely the issue seized upon by a party already bent upon the dissolution of the Union and war against the South.

#### The “Higher Law” of the Republican Party

It has been the prevailing belief that the South seceded from the Union in order to extend slavery into the territories, and that the war which followed was fought by the Northern armies both to preserve the Union and to secure freedom for the Southern slaves. This is, of course, nothing short of revisionist history, written by the triumphant party of the contest of 1861-1865 in an effort to conceal the true nature of its origin and agenda and to fasten its rule upon future generations. In July of 1864, when asked by Colonel James F. Jacques, self-appointed peace envoy for the North, and James R. Gilmore, a Northern journalist, how the war could be stopped, Confederate States President Jefferson Davis replied:

I tried all in my power to avert this war. I saw it coming, and for twelve years I worked night and day to prevent it, but I could not. The North was mad and blind; it would not let us govern ourselves, and so the war came, and now it must go on till the last man of this generation falls in his tracks, and his children seize the musket and fight our battle, unless you acknowledge our right to self-government. We are not fighting for slavery. We are fighting for Independence, and that, or extermination, we will have....

...[Slavery] never was an essential element. It was only a means of bringing other conflicting elements to an earlier culmination. It fired the musket which was already capped and loaded. There are essential differences between the North and the South, that will, however this war may end, make them two nations.... (emphasis in original)

It is not the purpose of this book to discuss, much less to decide, upon the subject of Southern slavery. Such a task has been performed by others possessed of greater knowledge and skill in this regard than the present writer.<sup>(1)</sup> Whether slavery, as it existed in the Southern States up to the close of the war, was inherently righteous or wicked, or a mixture of both, is incidental to the undisputed fact that the institution was recognized and protected by the Constitution for the United States of America — the document which Abraham Lincoln, as President, as well as the Congressmen of both North and South, Republican and Democrat, had sworn to uphold and defend. From the standpoint of honorable statesmanship, a righteous method had been provided by the framers in Article Five for alteration in the Government’s charter should it be found defective at any point. In his Farewell Address, George Washington had explicitly warned his fellow countrymen not to depart from this lawful amendment process, and to stand ever vigilant against the usurpations of the powers of government by factious and self-serving parties:

If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

The Abolitionists of New England had at their disposal the halls of Congress and the printed page to engage in a calm and reasoned debate with their slave-holding brethren on the merits or demerits of the “peculiar institution.” Instead, they abused these

vehicles and used them to stir up the indignation and suspicions of the Southern people, thereby removing the debate from its lawful and intellectual moorings, and setting it adrift in the turbulent sea of lawlessness and fanaticism. Few in the North had ever witnessed slavery first-hand, and many merely concluded on its barbarity from Theodore Weld's 1842 book *Slavery As It Is*, which was itself only based on random newspaper clippings culled from Southern newspapers over a six month period.(2) Harriet Beecher Stowe's fictional novel *Uncle Tom's Cabin*, which is still required reading in many public schools today, relied on *Slavery As It Is* to spin a fanciful tale of an abused Southern slave who is taught to read by his master's young daughter. Despite her heavy dependence on the "research" of Theodore Weld, Mrs. Stowe was nevertheless convinced that the text of her own book had been dictated to her by God Himself.

Perhaps the crowning achievement of the Abolitionists' literary assault upon the peace of the Southern States, and that of the country as a whole, was Hinton Helper's 1857 manuscript entitled, *Compendium of the Impending Crisis of the South*. The following is but a sample of the defamatory and antagonistic nature of this book:

It is against slavery on the whole, and against slave-holders as a body that we wage an exterminating war.... Against this army for the defence and propagation of slavery, we think it will be an easy matter — independent of the negroes, who in nine cases out of ten would be delighted at the opportunity to cut their master's throats, and without accepting a single recruit from either of the free States, England, France or Germany — to muster one at least three times as large, and far more respectable, for its extinction....

Henceforth, Sirs, we are demandants — not supplicants. It is for you to decide whether we are to have justice peaceably or by violence. For what consequences — we are determined to have it one way or another. Would you be instrumental in bringing upon yourselves, your wives, and your children a fate too terrific to contemplate? Shall history cease to cite as an instance of unexampled cruelty the massacre of St. Bartholomew because the World — the South — shall have furnished a more direful scene of atrocity and carnage?(3)

This book was widely circulated in the North and was officially endorsed by the Republican party, which would, in the election of 1858, increase its membership in Congress from sixty-seven to almost double that number. William Seward, who would later receive appointment as Secretary of State in Abraham Lincoln's Cabinet, viewed the Helper book as "a work of great merit; rich, yet accurate in statistical information, and logical in analogies," and predicted that "it will exert a great influence on the public mind, in favor of truth and justice."(4) Also greatly inspired by the book, Ohio Congressman Joshua Giddings declared:

I look forward to the day when I shall see a servile insurrection at the South. When the black man supplied with British bayonets, and commanded by British officers, shall wage a war of extermination against the whites — when the master shall see his dwelling in flames, and his hearth polluted, and though I may not mock at their calamity, and laugh when their fear cometh, yet I shall hail it as the dawn of a political millennium.(5)

William O. Duvall had these words to say when he was invited to address a Republican convention in New York:

I sincerely hope that a civil war may soon burst upon the country. I want to see American Slavery abolished in my day — it is a legacy I have no wish to leave my children....

and when the time arrives for the streets and cities of this “land of the free and home of the brave” to run with blood to the horses’ bridles, if the writer of this be living, there will be one heart to rejoice at the retributive justice of heaven.(6)

At an Abolitionist meeting in Natick, Massachusetts, this resolution was passed:

Whereas, Resistance to tyrants is obedience to GOD, Resolved, That it is the right and duty of slaves to resist their masters, and the right and duty of the people of the North to incite them to resistance, and to aid them in it! (emphasis in original)(7)

Theodore Parker, an influential Abolitionist of Boston, contributed the following postulates to the New York Tribune:

1st. A man held against his will, as a slave, has a natural right to kill any one who seeks to prevent his enjoyment of liberty.

2d. It may be a natural duty of a slave to develop this natural right in a practical manner, and actually kill those who seek to prevent his enjoyment of liberty.

3d. The freeman has a natural right to help the slaves to recover their liberty, and in that enterprise to do for them all which they have a right to do for themselves.

4th. It may be a natural charity for the freeman to help the slaves to the enjoyment of their liberty, and as a means to that end, to aid them in killing all such as oppose their natural freedom.

5th. The performance of this duty is to be controlled by the freeman’s power to help (emphasis in original).(8)

In 1859, John Brown, with the financial backing of several notable Republican leaders, embarked on a murderous spree, beginning in the Kansas Territory(9) and terminating in his capture and execution at Harper’s Ferry, Virginia. The purpose of Brown’s campaign was to provoke the massive slave uprising throughout the South threatened, not only in the Helper book, but by numerous Republican members of Congress, whereby hundreds of thousands of White men, women, and children would be sacrificed upon the altar of Abolitionism.(10)

Brown was eulogized after his death by Ralph Waldo Emerson, Theodore Parker, Wendell Phillips, and other leading Abolitionists as the “Lord High Admiral of the Almighty,” “the saint” whose execution made “the gallows as glorious as the cross,”(11) and “the John the Baptist of the new dispensation of freedom.”(12) It was also confidently asserted that “the Almighty would welcome him home in Heaven,” and “John Brown has gone to Heaven.”(13) E.D. Wheelock, a Unitarian minister from Dover, New Hampshire preached these words in anticipation of the execution of Brown:

One such man makes total depravity impossible, and proves that American greatness died not with Washington! The gallows from which he ascends into Heaven, will be in our politics, what the cross is in our religion — the sign and symbol of supreme self-devotedness — and from his sacrificial blood, the temporal salvation of four millions of our people shall yet spring! On the second day of December he is to be strangled in a Southern prison, for obeying the Sermon on the Mount. But, to be hanged in Virginia, is like being crucified in Jerusalem — it is the last tribute which he pays to Virtue! (emphasis in original)(14)

Wendell Phillips declared, “[John Brown] refused to regard anything as government, or any statute as law, except those which conformed to his own sense of justice and right....” and for that “virtue,” Phillips admonished his listeners to be “reverently grate-

ful for the privilege of living in a world rendered noble by the daring of heroes, the suffering of martyrs — among whom let none doubt that history will accord an honorable niche to old John Brown.”(15) The New York Tribune of 2 December 1859 likewise exuded religious adoration for the dead assassin:

While the responsive heart of the North has been substantially sympathizing with the one [John Brown] whom they admire and venerate, and love, the great soul itself has passed away into eternal heavens. During the eighteen centuries which have passed, no such character has appeared anywhere. The galleries of the resounding ages echo with no footfall mightier than the martyr of to-day. He has gone. Efforts to save him were fruitless. Prayers were unavailing. He stood before his murderers defiantly, asking no mercy.

Bewildered not and daunted not, the shifting scenes of his life’s drama, at the last, brought to him neither regrets nor forebodings. Having finished the work which God had given him to do, this apostle of a new dispensation, in imitation of the Divine, received with fortitude his baptism of blood! And this beholding, the heavens opened, and Jesus standing at the right hand of the throne of God, this last of Christian martyrs stepped proudly and calmly upon the scaffold, and thence upward into the embrace of angels, and into the General Assembly and Church of the First Born, whose names are written in heaven.

The well-known, yet historically inaccurate, painting of John Brown pausing in his walk to the gallows to kiss a Black infant held forth by an adoring slave woman, was typical of the worship that was bestowed upon this convicted felon in the North. The lyrics “John Brown’s body lies a-mouldering in the grave” were written to the tune of an old Methodist hymn and were frequently heard sung by Northern troops as they later perpetuated Brown’s mission of destruction and murder in the South.

Eventually, Julia Ward Howe, wife of Abolitionist and Brown supporter Dr. Samuel Gridley Howe, wrote what is now known as the “Battle Hymn of the Republic” to this tune — a song which speaks of the building of an altar to the god of war, whose “fiery gospel” is “writ in burnished rows of steel,” and of the messianic role of the Northern Army in “crush[ing] the serpent” — the Southern Confederacy — and “trampling out the vintage [blood] where the grapes of wrath [Southern Whites] are stored.” (16)

In a strange twist of irony, the man so idolized by the Republican party and the Northern troops, had killed numerous innocent citizens in a then-Union State and had attacked United States property, killing a United States marine, while the man in command of the troops sent to Harper’s Ferry to suppress the rebellion, was none other than Robert Edward Lee.

As early as 1839, the eminent Henry Clay gave the following dire warning to his fellow Congressmen:

Abolitionism should no longer be regarded as an imaginary danger. The Abolitionists, let me suppose, succeeded in their present aim of uniting the inhabitants of the free States as one man against the inhabitants of the slave States. Union upon one side will beget union on the other, and this process of reciprocal consolidation will be attended with all the violent prejudices, embittered passions and implacable animosities, which ever degraded or deformed human nature.... One section will stand in menacing and hostile array against the other. The collisions of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed

from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man.(17)

The secession movement of 1860-1861, though actually carried out by the Southern States, was, in fact, the result of the efforts of the Northern faction that had screamed for a dissolution of the Union as early as 1796, again during the War of 1812, and which finally organized itself as the falsely named Republican party in 1854, calling for a bloody separation of the New England States from the South. In a letter written on 20 December 1860 — the same day that South Carolina declared her independence from the United States of America — Democrat Senator Stephen A. Douglas noted, “Many of the Republican leaders desire a dissolution of the Union, and urge war as a means of accomplishing disunion.”(18) The supporting evidence for this assertion is shockingly abundant. At a Republican convention held in 1856 in Boston, Massachusetts, the following resolution was passed: “Resolved... That this movement [Abolitionism] does not merely seek disunion, but the more perfect union of free States by the expulsion of the slave States from the Confederation, in which they have ever been an element of discourd, danger, and disgrace.”(19) Yet another Republican convention, held that same year in Monroe, Wisconsin, passed this resolution: “Resolved, That it is the duty of the North, in case we fail in electing a President and Congress that will restore freedom [Abolitionism] to Kansas, to revolutionize the Government.”(20) Republican Charles Sumner’s Boston Commonwealth likewise frothed, “How dare any one pray for the preservation of that sin and shame, the Union? ...Unity of the States is a crime! May the tongue wither that prays for the preservation of that festering shame, the Union.”(21) The True American, another Republican periodical, sneered, “This twaddle about the Union and its preservation is too silly and sickening for any good effect.”(22) In 1854, the New York Tribune printed this insurrectionary poem entitled “The American Flag”:

All hail the flaunting lie! The stars look pale and dim;  
The stripes are bloody sores —A lie the vaunting hymn!  
It shields a pirate’s deck! It binds a man in chains!  
It yokes the captive’s neck, And wipes the bloody stains!  
Tear down the flaunting lie; Half-mast the starry flag;  
Insult no sunny sky With hate’s polluted rag!  
Destroy it, ye who can; Deep sink it in the waves:  
It bears a fellow man, To groan with fellow slaves!  
Furl, furl the boasted lie! Till Freedom lives again,  
To rule once more in truth, Among untrammelled men!  
Roll up the starry sheen, Conceal its bloody stains,  
For in its folds are seen The stamp of rustling chains!(23)

It is obvious that the Republican party had begun to wage a political war against the flag of the United States long before Southerners ever opened fire on Fort Sumter. The public statements of individual Republican Abolitionists were no less clear in their desire to see the Union destroyed. For example, Frederick Douglas, the former slave and

fanatical Abolitionist, openly declared, "From this time forth I consecrate the labor of my life to the dissolution of the Union, and I care not whether the bolt that rends it shall come from heaven or from hell!"(24) William Lloyd Garrison declared:

I have said, and I say again, that in proportion to the growth of disunionism, will be the growth of Republicanism....

The Union is a lie. The American Union is an imposture, and a covenant with death, and an agreement with hell.... I am for its overthrow.... Up with the flag of disunion, that we may have a free [Abolitionist] and glorious Union of our own.(25)

Wendell Phillips said:

No man has a right to be surprised at this state of things [the brewing hostilities between North and South]. It is just what we abolitionists [sic] and disunionists have attempted to bring about. There is merit in the Republican party. It is the first sectional party ever organized in this country. It does not know its own face, but calls itself national; but it is not national—it is sectional. The Republican party is a party of the North pledged against the South....

I have labored nineteen years to take fifteen States out of the Union; and if I have spent any nineteen years to the satisfaction of my Puritan conscience, it was those nineteen years (emphasis in original).(26)

Even during the war itself, at a time when Democrats such as Clement L. Vallandigham were suffering arbitrary arrest and imprisonment for their "treasonous" sentiments, the Republicans did not attempt to conceal their dream of the Union's downfall. In a letter to the Boston Liberator, Phillips wrote, "The disunion we sought was one which should be begun by the North on principle.... The North had a right of revolution—the right to break the Union."(27) In April of 1862, Parker Pillsbury declared publicly:

I do not wish to see this government prolonged another day in the present form. I have been for twenty years attempting to overthrow the present dynasty. The constitution never was so much an engine of cruelty and crime as at the present hour. I am not rejoiced at the tidings of victory to the northern arms; I would far rather see defeat.(28)

The following resolution was adopted on 16 May 1862 by the Anti-Slavery Society of Essex County, Massachusetts:

Resolved, That the war as hitherto prosecuted, is but a wanton waste of property, a dreadful sacrifice of life, and worse than all, of conscience and of character, to preserve and perpetuate a Union and Constitution which should never have existed, and which, by all the laws of justice and humanity, should in their present form, be at once and forever overthrown.(29)

From its beginning, it had been the motto of the Republican party that "secession from the Government is a religious and political duty."(30) It was not long before dissolution of the Union and the subsequent war against the South which they envisioned began to be couched in terms of a cosmic struggle between light and darkness, and it was customary for Abolitionists to refer to themselves as "Ambassadors of the Creator to establish His Higher Law."(31) The previously quoted Helper book boldly declared, "Not to be an abolitionist is to be a wilful and diabolical instrument of the devil."(32) At a Republican meeting in New York on 15 May 1857, Unitarian minister Andrew T. Forbes said, "There never has been an hour when this blasphemous and infamous Union should have been made, and now the hour has to be prayed for when it shall be dashed to pieces

forever! I hate the Union!"(33) Thomas Wentworth Higginson, another New England Unitarian minister who would later exchange his clerical robes for a commission as Colonel of a Black regiment, had voiced his desire to see the country plunged into bloody conflict, stating that he wanted to "involve every State in the war that is to be." (34)

Such a religious veneer, painted so thinly over rampant lawlessness, was appalling to the people of the South, whose section of the country was dominated by the influences of orthodox Christianity. However, it was very appealing to the ever-growing number of Unitarian Abolitionists in the Northeast, who had only to be given the political opportunity to openly manifest the rebellion against a biblical worldview and social system which had already captivated their own unregenerate hearts. The revolutionary doctrines espoused by the Republican party are the context without which the events of 1860 onward cannot be properly understood. The war was not begun against the South, nor was it ever carried on thereafter, with the mere emancipation of the Southern slaves in view, as even Lincoln himself openly admitted on numerous occasions(35); emancipation of the slaves was only eventually used as a means to the desired end of winning the war. The "party of Lincoln" was clearly bent on the dissolution of the Union from its very formation in 1854 and only abandoned this agenda in favor of "preserving the Union" when its members perceived the wealth and power to be harvested from the destruction and subjugation of a militarily inferior South.(36)

Otto Scott gave the following details of the horrific commencement of Brown's activities near Pottawatomie Creek in the Kansas Territory:

The night was hot and humid; the river was not far away. The Doyle family was asleep as the men approached their cabin. Two bulldogs rushed out, barking. Two of the men stopped and slashed one to death with their sabers. The other dog fled, howling, and the family awoke.

The men knocked heavily on the door and James Doyle swung out of bed. "What is it?" he called.

"What way to the Wilkinson place?" a man's voice answered.

Doyle opened the door, saying he would tell them, and was almost knocked off his feet when several men rushed in, shouting, "We're the Northern Army! Surrender!"

Mahala Doyle clutched her youngest, a girl, and began to stammer. "Hush, Mother, hush," said James Doyle. His three boys moved beside him: William, twenty-two, Drury, twenty, and John, fourteen. The men pushed Doyle, and then the two eldest sons, out the door. Mahala Doyle began to weep, but when they reached for the fourteen-year-old she sprang out of bed and clutched him. "Not him; Oh, God, not him."

The old man [Brown] in the light jacket, leather tie, and farmer's straw hat, his face as thin and stern as an ax, pushed the boy back and the men left, slamming the door.

Mahala Doyle clutched John and listened, her eyes wide.

The men stopped their prisoners about two hundred yards from the Doyle cabin. The leader placed his revolver against Doyle's forehead and pulled the trigger, as coolly as a man shooting a lame horse.

That set them off. One, in a frenzy, stabbed Doyle's corpse with his saber. William Doyle was stabbed in the face, slashed over the head, and shot in the side. Drury broke and ran in the darkness, was pursued, and overtaken near a ravine. He put his arms up to ward off their blows, but the men, bearded, burly, and in a near frenzy, hacked at him

with their sabers. His fingers and then his arms were cut off; his head was cut open, and he was stabbed in the chest. They continued to hack after he fell — and after he was dead. He had frightened them; he might have escaped (The Secret Six, page 6).

Again, Scott's comments are insightful:

It is only after several generations that it can be seen, with terrible clarity, that Old Brown — by linking murder to his distorted version of religion, and by selecting victims who were innocent of any crime — had reintroduced the old, evil and pagan principle of human sacrifice (ibid., page 62).

It is reprehensible that this song, which has nothing at all to do with the true Gospel of the Lord Jesus Christ or with Christian charity, is published today in a great number of church hymnals, and is sung with great enthusiasm even by many Southerners who are ignorant of the true meaning of the lyrics and their infernal roots in the violent, lawless religion of John Brown and the Unitarian Abolitionists, who so hated union with the South under the Constitution that they needed “a new constitution, a new Bible, and a new God” (Anson Burlingame, quoted by Edmonds, Facts and Falsehoods, page 141). This song may rightly be considered the anthem of a nation which, in 1861, turned its back completely on the God of Scripture to worship at the altar of the “god of forces” (Daniel 11:38). As will become clear in later chapters of the present work, it is this martial deity whose “law” is enforced in the “land of the Pilgrim's pride,” and who now demands the “unqualified allegiance” of the American people (U.S. v Macintosh [1931], 283 U.S. 605, 625, 51 S.Ct. 570, at 575).

In a letter to Horace Greeley, dated August of 1862, Lincoln wrote, “My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery.... What I do about slavery and the colored race, I do because I believe it helps to save the Union.”

#### State Sovereignty and the Right of Secession

In his excellent book entitled *Is Davis a Traitor?*, Southern political apologist Albert Taylor Bledsoe wrote:

The final judgment of History in relation to the war of 1861 will, in no small degree, depend on its verdict with respect to the right of secession. If, when this right was practically asserted by the South, it had been conceded by the North, there would not have been even a pretext for the tremendous conflict which followed.(1)

One of the purposes of the War of 1861-1865 was to decide upon this matter, not by appealing to law and reason, which method Abraham Lincoln ridiculed as “exceedingly thin and airy,”(2) but, in the words of the United States Supreme Court, by “wager of Battle,”(3) or, to quote John Andrews, Governor of Massachusetts, by “the logic of bayonets and rifles and pikes....”(4) Christian gentlemen and honorable statesmen do not resort to such methods of settling disputes, for “it is only the atheist who adopts success as the criterion of right.”(5) As will be shown in this book, such would have made a fitting inscription for the tombstones of the “sainted” sixteenth President of the United States(6) and his Republican cohorts, whose hands, though long ago moldered away to dust, remain eternally stained with the blood of innocent millions and which still clutch the tattered garments of Lady Liberty, whom they brutally outraged in their godless lust and ambitious grasping for power.

From the formation of the original Confederacy under the Articles of Confederation of 1777, and continuing on after the ratification of the Constitution of 1789, it was a well-understood and widely accepted political doctrine that the Union was a compact, or a "league of friendship" between thirteen independent and sovereign States or republics, from which, if proven by time to have fallen short of its purpose, the parties thereof could constitutionally and peacefully withdraw.

In the words of Senator Henry Cabot Lodge:

It is safe to say there was no man in this country, from Washington and Hamilton on the one side to George Clinton and George Mason on the other, who regarded our system of Government, when first adopted, as anything but an experiment entered upon by the States, and from which each and every State had the right to peaceably withdraw, a right which was very likely to be exercised.(7)

We need look no further for proof of this reserved right of secession than in the ratification of the Constitution by at least three of the original thirteen States. Following are excerpts from the ratifications of the States of Virginia, New York, and Rhode Island respectively:

We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the general assembly, and now met in convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared as well as the most mature deliberation hath enabled us to decide thereon, Do, in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the Constitution being derived from the people of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them and at their will....

We, the delegates of the people of New York... do declare and make known that the powers of government may be reassumed by the people whenever it shall become necessary to their happiness; that every power, jurisdiction, and right which is not by the said Constitution clearly delegated to the Congress of the United States, or the department of the government thereof, remains to the people of the several States, or to their respective State governments, to whom they may have granted the same.

We, the delegates of the people of Rhode Island and Plantations, duly elected... do declare and make known... that the powers of government may be resumed by the people whenever it shall become necessary to their happiness; that every power, jurisdiction, and right which is not by the said Constitution clearly delegated to the Congress of the United States, or the department of the government thereof, remains to the people of the several States, or to their respective State governments, to whom they may have granted the same.

This right of secession was even acknowledged by the most ardent advocates of a strong centralized government in the late eighteenth century, including Alexander Hamilton, who insisted that the Union under the proposed Constitution would "still be, in fact and in theory, an association of States, or a confederacy." (8) It is also interesting to note that the right of secession was taught by the United States Government to cadets at West Point Military Academy from 1825 to 1826 through William Rawle's book, *A View of the Constitution*. Rawle, a Philadelphia lawyer, wrote the following:

It depends on the state itself to retain or abolish the principle of representation, because it depends on itself whether it will continue a member of the Union. To deny this right would be inconsistent with the principle of which all our political systems are founded, which is, that the people have in all cases, a right to determine how they will be governed....

The secession of a state from the Union depends on the will of the people of such state. The people alone as we have already seen, hold the power to alter their constitutions. But in any manner by which a secession is to take place, nothing is more certain than that the act should be deliberate, clear, and unequivocal. To withdraw from the Union is a solemn, serious act. Whenever it may appear expedient to the people of a state, it must be manifested in a direct and unequivocal manner.(9)

It was not until the nineteenth century that the theory of a "perpetual union," from which withdrawal was unlawful without the unanimous approval of the States, began to appear in such works as Justice Joseph Story's Commentaries on the Constitution and Daniel Webster's debate with South Carolina Senator Robert Hayne on the floor of Congress. The proponents of this theory insisted that the Constitution had been established by "the whole people of the United States in their aggregate capacity," and that the States had therefore never been sovereign political bodies, but drew their very life breath from the Union. For a State to declare its independence from this indivisible Union was to declare the impossible and to commit an act of treason against the people who had given it the right to exist.

It was this unfounded and unproven theory which Abraham Lincoln, contrary to the intent of the framers of the Constitution, contrary to the disunionist sentiments of prominent members of the Republican party, and contrary even to the pro-secession views expressed at one time by himself on the floor of Congress,(10) adopted and proclaimed in his first inaugural speech of 4 March 1861:

*I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself....*

*Descending from these general principles, we find the proposition that in legal contemplation the Union is perpetual confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778 [sic]. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was "to form a more perfect Union." But if destruction of the Union by one or by a part only of the States be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of perpetuity.*

*It follows from these views that no State upon its own mere motion can lawfully get out of the Union; that resolves and ordinances to that effect are legally void, and that acts of violence within any State or States against the authority of the United States are insurrec-*

tionary or revolutionary, according to circumstances.

*I therefore consider that in view of the Constitution and the laws the Union is unbroken, and to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part, and I shall perform it so far as practicable unless my rightful masters, the American people, shall withhold the requisite means or in some authoritative manner direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself.*

Lincoln elaborated further on this view in his address to the provisional Congress on 4 July 1861:

*Our States have neither more nor less power than that reserved to them in the Union by the Constitution, no one of them ever having been a State out of the Union.... Having never been States, either in substance or in name, outside the Union, whence this magical omnipotence of State rights, asserting a claim of power to lawfully destroy the Union itself?*

*...Much is said about the sovereignty of the States, but the word even is not in the national Constitution, nor, as is believed, in any of the State constitutions....*

*The States have their status in the Union, and they have no other legal status.*

Lincoln, the “eminent lawyer,” had not done his homework. The Constitution did not need to explicitly refer to the several States as sovereign, for it was merely a contract entered into between the several States, which, from their Declaration of Independence from Great Britain, were “of right... Free and Independent States” (emphasis in original), and as such “they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.”

It was this sovereign right to “contract alliances” that gave birth to the first Union under the Articles of Confederation which stated in Article 2, “Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled.” This language was repeated in the Constitution, the Tenth Amendment of which states that “the powers not delegated to the United States [Federal Government] by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Nowhere in this document did the States delegate their sovereignty, except in a few specifically enumerated instances, and nowhere did they prohibit their own right of secession.<sup>(11)</sup> Lincoln would have done not only himself, but the American people, a tremendous favor if he had but submitted himself to the intent of the framers of the document and Union he was claiming to defend, as they were summarized by James Madison:

*The Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but this assent and ratification is to be given by the people, not as individuals comprising one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State — the authority of the people themselves. The act, therefore, establishing the Constitution will not be a national, but a federal act.*

*That it will be a federal, and not a national act, as these terms are understood by objec-*

*tors, the act of the people, as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration, that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority [a democracy]; in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States, as evidences of the will of a majority of the people of the United States. Neither of these has been adopted. Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its voluntary act (emphasis in original).*(12)

Oddly enough, this concept of State sovereignty was even understood by the Chicago Convention which nominated Lincoln to the Presidency in 1860:

Resolved, 1. That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends, and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter what pretext, as among the gravest of crimes.

On his way to Washington, D.C. to be inaugurated as President of the United States, Lincoln further elaborated on his party's platform in a speech which he delivered at Indianapolis, Indiana:

What is "invasion"? Would the marching of an army into South Carolina, without the consent of her people, and with hostile intent toward them be "invasion"? I certainly think it would, and it would be "coercion" also if South Carolinians were forced to submit.

As we shall see in the next chapter, Lincoln was a criminal by his party's and his own definition of the word.

Let the reader consider the words of Lincoln himself:

Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right — a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people, that can, may revolutionize, and make their own of so much of the territory as they inhabit (excerpt from a speech delivered in Congress on 12 January 1848; Congressional Globe, Volume XIX, page 94).

### The Departure of the Southern States

In a speech delivered in 1839 before the New York Historical Society, John Quincy Adams, himself an Abolitionist, voiced a sentiment that would soon be forgotten by those

who came after him:

...[T]he indissoluble link of Union between the people of the several states of this confederated nation is, after all, not in the right, but in the heart. If the day should ever come (may heaven avert it) when the affections of the people of these states shall be alienated from each other, when the fraternal spirit shall give way to cold indifference, or collisions of interest shall fester into hatred, the bands of political associations will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited states to part in friendship from each other, than to be held together by constraint. (1)

As was discussed in the previous chapter, secession was both an historically accepted and a constitutionally allowed right retained by a sovereign State in the event that the compact made with the other States was violated to the peril of its people. Not only was this right at one time universally recognized, but it was actually threatened, and according to Stephen D. Carpenter, effectively exercised by three New England States in 1814. Furthermore, the right of the people of a State to separate from the Federal Union was taught, with Federal funding, to cadets at West Point from 1825 to 1826 in William Rawle's *View of the Constitution* — a book which remains in the library at West Point to this day. It was Rawle's assertion that "To withdraw from the Union is a solemn, serious act," and that "[w]henever it may appear expedient to the people of a state, it must be manifested in a direct and unequivocal manner." He stated further:

If a faction should attempt to subvert the government of a state for the purpose of destroying its republican form, the paternal power of the Union could thus be called forth to subdue it.

Yet it is not to be understood that its interposition would be justifiable, if the people of a state should determine to retire from the Union, whether they adopted another or retained the same form of government....(2)

Having established that the secession of the Southern States was not, in and of itself, unconstitutional or unlawful, and that a faction (Abolitionism, as embraced by the Republican party) had for the prior thirty years attempted to subvert the general Government of the United States, destroy the Republican form of government in the several States, and instigate a massive civil war as the means to abolish slavery, the question that we now must answer is: Was the secession of the Southern States a "solemn and serious act" and was it manifested to the world "in a direct and unequivocal manner?" We have seen how the New England States threatened to dissolve the Union during the conflict with Great Britain in which the protection of the Union was most needed by its members, and that those who called for the dissolution were by no stretch of the imagination "solemn and serious," but were as fanatical as they were unreasonable in their railings against the Union. If it can be demonstrated that such fanaticism likewise characterized the State Conventions in the South following Lincoln's election, then the finger of criticism would appropriately point to the South as at least the co-agitators of an unnecessary and hostile dissolution of the Union.

In his address to Congress on the nineteenth of December 1859, President James Buchanan stated:

It ought never to be forgotten that however great may have been the political advantages resulting from the Union, these would all prove to be as nothing, should the time

ever arrive when they cannot be enjoyed without serious danger to the personal safety of the people of fifteen members of the Confederacy.

If the peace of the domestic fireside throughout these States should ever be invaded, if the mothers of families within this extensive region should not be able to retire to rest at night without suffering dreadful apprehensions of what may be their own fate and that of their children before the morning, it would be in vain to account to such a people the political benefits which result to them from the Union.

Self-preservation is the first law of nature, and therefore any state of society in which the sword is all the time suspended over the heads of the people must at last become intolerable.(3)

The previously discussed sentiments and activities of the Abolitionist Republicans in the North are what sparked the Southern secession movement of 1860-1861. Southerners had seen what the fanatical ravings of the Abolitionists had accomplished and had begun to ready themselves for the "impending crisis" which those radicals were threatening to bring upon them. The tension came to a head with the nomination of Abraham Lincoln, who had earlier denounced as treasonous a resolution introduced by Stephen Douglas that those inciting the insurrection of slaves should be punished.(4) It is a suppressed fact of history that Lincoln, though publicly opposing Abolitionism, himself donated \$100 to Brown's cause(5) and openly stated that he had no "objections of a moral nature in view of possible consequences of insurrection and massacre at the South."(6) In his famous "House Divided" speech, Lincoln had stated that the Union could no longer remain "half-slave and half-free," and that it would have to become "all one thing or all the other." The people of the Southern States had no desire to force slavery on their Northern neighbors, despite the fact that the slave-holders believed that the institution was, in and of itself, beneficial for both master and slave. They therefore perceived Lincoln's words as an open threat to destroy the social structure of their section, and, taking into account the atrocities committed by John Brown, the newly canonized patron saint of the Republican party, it is at least understandable why the slave States reacted as they did to Lincoln's election in 1860.

It has been customary for the history book writers since the war to refer to the "fire-eaters" of South Carolina as having, for all intents and purposes, hijacked the reins of that State government and leading her people in a direction that was not generally desired. To the contrary, the State Convention of South Carolina stated in its "Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union":

We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences....

We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding States. Those States have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful

the institution of slavery; they have permitted open establishment among them of societies, whose avowed object is to disturb the peace and to eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common Government. Observing the forms of the Constitution, a sectional party has found within that Article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common Government, because he has declared that that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction....

On the 4th day of March next, this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy.

Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanction of more erroneous religious belief.

We, therefore, the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

The ordinances and declarations of the causes of secession produced by the other Southern States were similar in content and were written in the same solemn tone.<sup>(7)</sup> There is no hint in these documents of the fanaticism which permeated the public statements and documents of the Northern Abolitionists.

Lincoln resolved in his first Inaugural Address to hold the Southern States in the Union unless his "rightful masters, the American people, shall withhold the requisite means or in some authoritative manner direct the contrary." However, when the people of the South did just that, he declared that their secession ordinances were "legally void," and that their lawfully organized conventions were insurrectionary "combinations." When, at the Hampton Roads Peace Conference in February of 1865, President Davis offered to have the Southern States return to the Union on the condition that they be allowed to exercise their rightful domestic powers, Lincoln refused saying, "No. Submit to me or the war must go on." Thus, he revealed his "rightful masters" to be, not the American people, but

the private financial interests and political aristocrats which controlled him from behind the cover of the slavery agitation.(8) Clearly, the true purpose of the war was, as Luther Martin had warned over seventy years before, “the total abolition and destruction of all state governments.”(9) In spite of this fact, Lincoln had the blasphemous audacity in his second Inaugural Address to attribute the continuation of the carnage he had initiated to the prescriptive will of a just and holy God:

Yet, if God will that it continue until all the wealth piled by the bondsman’s two hundred and fifty years of unrequited toil shall be sunk, and every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, still it must be said, the judgments of the Lord are true and righteous altogether.

The War Between the North and the South aided business.... [T]he War between the North and the South caused great and rapid expansion in all forms of industry and business in the North. Farms and factories had to supply the needs of the armies. Mines and furnaces had to furnish material for building engines and rolling stock and for the rapidly lengthening railroad mileage.

The discovery of new resources of oil, coal, and iron ore; the rapid expansion of our foreign commerce; and the creation of the national banking system all furnished new opportunities for speculation and for profits (Eugene C. Barker and Henry Steele Commager, *Our Nation* [Evanston, Illinois: Row, Peterson and Company, 1942], pages 500-501).

#### Lincoln’s Attempted Garrison of Fort Sumter

Lincoln’s message to the people of the seceded Southern States was that of peace. “The Government will not assail you,” was his promise. “You can have no conflict without being yourselves the aggressors.” However, were these sentiments expressed with sincerity, or were they merely intended to set the stage for an unprecedented act of treachery against those Lincoln affirmed to be his “fellow countrymen” — an act which was intended to incite a violent reaction and ultimately a wholesale secession of the Southern States?

It is one of most terrible of history’s ironies that Abraham Lincoln, foremost in America’s mind as the man who “saved the Union,” was actually responsible for its deliberate destruction.(1) The threat of Republican Senator Thaddeus Stevens that “this Union will never be restored... under the Constitution as it is,”(2) was indeed carried out to fulfillment by the Lincoln Administration. To establish this as fact, let us now turn our attention to the firing upon of Fort Sumter.

Fort Sumter, which lay just off the coast of Charleston, South Carolina, was held by United States troops under the command of Major Robert Anderson. A native of Kentucky, Anderson nevertheless saw his duty to the Union as paramount over his loyalty to his section of the country. However, he understood, in light of the armistice which had been entered into between South Carolina and the Federal Government on 6 December 1860, that an attempt by the United States military to garrison the fort would precipitate war. Such was the sentiment of all but one member of Lincoln’s own Cabinet. Salmon Portland Chase, who became known as “the irritating fly in the Lincoln ointment,”(3) stated, “I will oppose any attempt to reinforce Fort Sumter, if it means war.”(4) Lincoln’s Secretary of State, William Seward likewise said:

The attempt to reinforce Sumter will provoke an attack and involve war. The very preparation for such an expedition will precipitate war at that point. I oppose beginning the war at that point. I would advise against the expedition to Charleston. I would at once, at every cost, prepare for war at Pensacola and Texas. I would instruct Major Anderson to retire from Sumter.

It should be noted that Seward was not opposed to war against the South, but that he, as well as Lincoln, was aware that the public sentiment in the North was so strong in favor of allowing the Southern States to depart in peace that if the Government were to make any aggressive move at all at Fort Sumter, upon which all eyes were focused, Lincoln would have been denounced "as a provoker of war." (5) Most of the people in the North were not fooled by the conciliatory tone of Lincoln's inaugural speech of 4 March 1861. Only a few days after the speech had been delivered, the New York Herald stated:

We have no doubt Mr. Lincoln wants the Cabinet at Montgomery to take the initiative by capturing the two forts in its waters, for it would give him the opportunity of throwing upon the Southern Confederacy the responsibility of commencing hostilities. But the country and posterity will hold him just as responsible as if he struck the first blow.... (6)

Unless Mr. Lincoln's Administration makes the first demonstration and attack, President Davis says there will be no bloodshed. With Mr. Lincoln's Administration therefore, rests the responsibility of precipitating a collision, and the fearful evils of protracted war. (7)

Lincoln's former political opponent, Northern Democrat Stephen Douglas, also warned the American people that the President was "trying to plunge the country into a cruel war as the surest means of destroying the Union upon the plea of enforcing the laws and protecting public property." (8) This warning was being echoed throughout the North and the South.

Such was Lincoln's dilemma: He had previously determined, together with Seward, upon a policy of war, as he had revealed in a meeting with Colonel John B. Baldwin of Virginia, who had been sent by that State prior to her departure from the Union to plead with the President for peace. (9) This policy he had also promised to Governor Morton of Indiana and Joseph Medill, editor of the Chicago Tribune, (10) as well as to a great body of bankers and bondholders who, as revealed by Judge Henry Clay Dean in 1868, sought political power by loaning the Federal government the money it needed to carry on war against the South. (11) However, as Horace Greeley pointed out, "The Southern States had the active sympathy of a large majority of the American people." (12) In his Tribune of 15 April 1861, Greeley went on to state:

The day before Sumter was surrendered two-thirds of the newspapers in the North opposed coercion in any shape or form, and sympathized with the South. These papers were the South's allies and champions. Three-fifths of the entire American people sympathized with the South. Over 200,000 voters opposed coercion, and believed the South had the right to secede.

Lincoln's plan to shift these circumstances in his favor was an exercise of the treacherous ingenuity of a would-be despot. He had refused to see the Peace Commissioners sent by the Confederate Government, but instead assured them, through William Seward, that he had "no design to reinforce Fort Sumter." On 4 April 1861, Seward made the following statement to a London Times correspondent: "It would be contrary to the spirit of

the American Government to use armed force to subjugate the South. If the people of the South want to stay out of the Union, if they desire independence, let them have it." Six days later, Seward officially wrote to Minister to England C.F. Adams saying, "Only a despotic and imperial government can subjugate seceding States." On the eighth of April, Robert S. Chew delivered the following message to South Carolina Governor Francis W. Pickens:

I am directed by the President of the United States to notify you to expect an attempt will be made to supply Fort Sumter with provisions only; and that if such attempt be not resisted, no effort to throw in men, arms or ammunition, will be made, without further notice, or in case of an attack upon the Fort.(13)

At the same time all these public assurances of peace were being made, Lincoln was already actively preparing to reinforce Fort Sumter. On the twenty-ninth of March, he had ordered that three ships with three hundred men and provisions be made ready to sail for the Charleston harbor. These orders were all marked private. On the first of April, he send a message to Commandant Andrew H. Foote at Navy Yard in Brooklyn, New York to "fit out the Powhatan without delay." As documented in the U.S. Government's official records of the war, these instructions were concluded with these words: "You will under no circumstances communicate to the Navy Department this fact."(14) In all, the so-called "Relief Squadron" consisted of eleven ships, carrying two hundred and eighty-five guns and two thousand, four hundred men — hardly "provisions only."

Upon learning of Lincoln's treachery, the Confederate Government authorized General Beauregard in Charleston to demand the surrender of Fort Sumter. Major Anderson, of course, refused to surrender, and the fort was fired upon and eventually fell into the hands of the Confederacy on 13 April 1861 after thirty-three hours of bombardment. According to U.S. Army Captain M.C. Meigs, "This is the beginning of the war which every statesman and soldier has forseen since the passage of the South Carolina ordinance of secession."(15) Meigs testimony, preserved in print by the U.S. Government itself, very candidly locates the responsibility of the colossal tragedy soon to come, not with the Confederates, but "in the office of the President." The violation of an official armistice was, as Meigs would state in March of 1865, "an Executive act, unknown at the time to any but those engaged therein, including General Scott, the Secretary of State, and the President."(16)

Further evidence of the deplorable deception practiced by Lincoln was the little known fact that the Powhatten sailed under disguise. Not only was her name painted out, as Captain Meigs mentioned in a letter to Seward,(17) but she was flying the flag of Great Britain, who was quite vocal in her sympathy for the South. Meigs further observed:

This earliest expedition of the war was organized under exceptional circumstances, and its records do not appear to have been preserved in Washington.

Inquiry at the Navy Department, and at the Executive Mansion, has failed to discover any copies of the orders.(18)

Lincoln's plan to reinforce Sumter had been formulated even before his inauguration. In fact, on 12 December 1860, a full three months before he had taken the oath of office, Lincoln was already acquainting at least one of his future subordinates with his policy of usurpation when he sent the following, and characteristically secret, message to General Winfield Scott: "Please present my respects to the general, and tell him, con-

fidentially, I shall be obliged to him to be as well prepared as he can to either hold or retake the forts, as the case may require, at and after the inauguration.”(19) Two weeks later, Robert Anderson would abandon his position at Fort Moultrie and move his forces to Fort Sumter, thus setting fire to profound resentment from the South Carolinians and equally profound alarm from the Buchanan Administration.(20) Without any pretense of lawful authority whatsoever, Lincoln was thus interfering with and undermining the official capacity of the U.S. Government as a party to a binding contract which Lincoln would later ridicule in his address to Congress on 4 July 1861 as a “quasi-armistice.” It should come as no surprise that Lincoln would so ridicule and disregard another contract to which the U.S. Government was bound — the Constitution for the United States of America. It is also noteworthy that Lincoln was planning hostilities against the people of South Carolina at least eight days before that State’s secession from the Union, thereby exposing as mere subterfuge his later designation of the South Carolinians, and their fellow Southerners, as “insurrectionists.” The American people would have been justly alarmed had the light of discovery revealed Lincoln’s secret agenda for all to see.

Lincoln was absolutely correct when he announced in his now-famous Gettysburg Address, the “birth of a new nation,” for such a nation, which is now declared to be “indivisible” in the Pledge of Allegiance, was not the confederacy which was brought to this land “four score and seven years” before Lincoln ascended his tyrannical throne. It was the thousands of Confederate soldiers who died under Northern musket and cannon at the battle of Gettysburg whom Lincoln unintentionally eulogized with these words:

It is... for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — ...that government of the people, by the people, for the people, shall not perish from the earth.

Salmon P. Chase, quoted by Mildred Lewis Rutherford, *A True Estimate of Abraham Lincoln and Vindication of the South* (Wiggins, Mississippi: Crown Rights Book Company, 1997), page. 23 (This book was originally published in 1923 under the title, *The South Must Have Her Rightful Place in History*). Lincoln dealt with Chase’s constant opposition to his policies by installing him as Chief Justice of the Supreme Court, which position, under an Executive dictatorship, has little, if any, authority.

When urged by Colonel Baldwin to allow the provisional Confederate Government at Montgomery to continue until the seceded States could be brought back in peace, Lincoln replied, “And open Charleston, etc., as ports of entry, with their ten per cent tariff. What, then, would become of my tariff?” (quoted by Robert Lewis Dabney, essay: “Memoir of a Narrative Received of Colonel John B. Baldwin,” *Discussions* [Mexico, Missouri: S.B. Ervin, 1897], Volume IV, pages 87-100; emphasis in original). It should be noted that Lincoln’s coveted tariff rose from 18.84 percent in 1861 to 47.56 percent in 1865, and remained above 40 percent in all but two years of the period from Lincoln’s assassination to the election of Woodrow Wilson.

Lincoln admirer and biographer Ida Tarbell, in her *Life of Abraham Lincoln*, quoted Medill as relating the following:

In 1864, when the call for extra troops came, Chicago revolted. Chicago had sent 22,000 and was drained. There were no young men to go, no aliens except what was

already bought. The citizens held a mass meeting and appointed three men, of whom I was one, to go to Washington and ask Stanton to give Cook County a new enrollment. On reaching Washington, we went to Stanton with our statement. He refused. Then we went to President Lincoln. "I can not do it," said Lincoln, "but I will go with you to Stanton and hear the arguments of both sides." So we all went over to the War Department together. Stanton and General Frye were there, and they both contended that the quota should not be changed. The argument went on for some time, and was finally referred to Lincoln, who had been silently listening. When appealed to, Lincoln turned to us with a black and frowning face: "Gentlemen," he said, with a voice full of bitterness, "after Boston, Chicago has been the chief instrument in bringing this war on the country. The Northwest opposed the South, as New England opposed the South. It is you, Medill, who is largely responsible for making blood flow as it has. You called for war until you had it. I have given it to you. What you have asked for you have had. Now you come here begging to be let off from the call for more men, which I have made to carry on the war you demanded. You ought to be ashamed of yourselves. Go home and raise your 6,000 men. And you, Medill, you and your Tribune have had more influence than any other paper in the Northwest in making this war. Go home and send me those men I want ([New York: Lincoln Memorial Association, 1900], Volume II, page 144).

Judge Dean's testimony is as follows:

...[T]here is no fact in the history of this war debt more startling than this: that the great body of these bankers and bondholders were, at the beginning of the war, but poor men; many of them helpless bankrupts, and many of the pretended loans were mere collusions between bankers and government officers, entered into for the purpose of creating money for the one and power for the other, at the expense of the people, who would be required to raise standing armies from their children to support this power and contribute taxes from their labor to maintain the funding system.

This has always been the case in the history of paper money inflations; that the pretended benefactors of government have been simply swindlers, who have imposed upon the people their worthless promises to pay in lieu of specie as the pretext for their robbery.

This is true, with scarcely an exception, in every country, that the government is never assisted by paper in any war. Those who issue it amass fortunes by the issue. To this one our country has not been an exception.

In the history of insolvent estates, bankrupts, merchants, contested debts and repudiated obligations, which make up the assets of the last six years, it must not startle mankind that the honest people have thrown off the yoke rudely placed upon them by reckless and unscrupulous tyrants (Crimes of the Civil War and Curse of the Funding System [Wiggins, Mississippi: Crown Rights Book Company, 1868, 1998], pages 267-268).

Here, Judge Dean revealed the true cause and nature of the War of 1861-1865 — greed for commercial gain — a cause which the vast majority of those involved in the conflict failed to recognize.

#### Lincoln's Unconstitutional Declaration of War

It has been stated that the firing upon and destruction of Fort Sumter was "a political

blunder almost incredible, a disaster to southern hopes more serious than the loss of many battles,” for in doing so, the Confederate Government “did for the Lincoln administration what it could not do for itself — set and solidify the wavering and divided spirit of the North.”(1) Lincoln, who made up in political savvy what he lacked in personal integrity, could not have been handed a more golden opportunity. As he told his old friend Senator Orville H. Browning of Illinois, “The plan succeeded. They attacked Sumter — it fell, and thus did more service than it otherwise could.”(2) Presidential secretaries and Lincoln biographers John G. Nicolay and John Hay admitted that the episode was ordered so that “the rebellion should be put in the wrong.”(3) Even the *Pittsburg Daily Gazette* openly admitted that “Lincoln used Fort Sumter to draw [the Confederates’] fire,” and that Jefferson Davis and his subordinates “ran blindly into the trap.”(4)

The general public in the North, ignorant as to who had really initiated the hostilities, was led by Lincoln to view the capture of Fort Sumter as the unprovoked attack upon the United States Government which he had previously left in the hands of the Southern States in his first Inaugural Address. Addressing an assembly of Evangelical Lutherans on 13 May 1862, Lincoln spoke hypocritically of “the sword forced into our hands,” and as late as his second Inaugural Address, he was still publicly laying the blame for the conflict at the feet of the Confederacy, while claiming for himself the role of a reluctant defender of an endangered Union.

Spurred on by such duplicity, thousands of patriotic Northerners believed it to be their duty to answer Lincoln’s subsequent Presidential Proclamation of 15 April 1861 calling for 75,000 militia to put down what he referred to therein as “combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals by law.” Lincoln’s words were carefully chosen, for it was his intention to thereby bring the proclamation under the Act of Congress of 1795, which allowed the President to call out the posse comitatus in times of insurrection when Congress was not in session.(5) The formerly pro-secession Republicans, who had literally only days before the fall of Fort Sumter defended a State’s right to leave the Union in peace, followed Lincoln’s lead in declaring the actions of South Carolina and the infant Confederacy as “rebellion,” “insurrection,” and “levying war on the United States.”

However, what Lincoln and his cohorts did not know, or did not care to consider, was the history behind the statute upon which the legality of their actions depended. The Whiskey Rebellion of 1794 had erupted in Pennsylvania during the Administration of George Washington when a protest among the local farmers against a Federal liquor tax had grown into an armed revolt spanning four counties. In response, Congress passed legislation authorizing Washington to put down the insurrection by drafting the militia of the adjoining States into the service of the United States. The following year, Congress enacted the statute to which Lincoln turned, but with the stipulation that the use of the militia was limited to thirty days after the beginning of the next session of Congress.

President Buchanan had previously considered the same statute as grounds for action against South Carolina, but had rightly determined that it was inapplicable to the secession of a State from the Union.(6) Buchanan clearly saw what his successor did not: that it was utter foolishness to command the citizens of a lawfully seceded State to “disperse and retire peaceably to their respective abodes.” Even more foolish was it to so command, as Lincoln did, an entire lawfully-constituted and independent country, as

was the Confederate States of America at the time of his first proclamation. Although he attempted to avoid recognition of the Confederacy, Lincoln perhaps inadvertently did so in his second proclamation of the nineteenth of April when he announced a blockade of Southern ports “in pursuance of the laws of the United States, and of the law of Nations.”(7) As Congressmen Thaddeus Stevens and Charles Sumner pointed out, under International Law, a nation could only institute a blockade against another nation.(8) Although Lincoln was unimpressed by this fact, and persisted throughout the war in referring to the Confederate States as “insurgent,” Stevens and the radical Republicans would later use the premise of this second proclamation as the legal basis for subjugation of the South as a “conquered enemy” during Reconstruction.

The thirty-day limit of the 1795 Act, of course, was a serious impediment to Lincoln’s war policy. If he had called Congress into immediate special session, as Washington had done during the Whiskey Rebellion, the military force he needed to defeat the Confederacy would have had to disperse by the first of July. Not wanting to so tie his own hands, and expecting the conflict to be short-lived, Lincoln purposely postponed the special session of Congress until noon of the fourth of July. Thus, for at least two and a half months, Lincoln waged a war against the South for which he, in his lawful capacity as President of the United States, had no constitutional authority.(9)

In his address to the provisional Congress(10) on 4 July 1861, Lincoln attempted to justify his actions with the following words: “These measures, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and public necessity, trusting then as now that Congress would readily ratify them.” There was, of course, no “popular demand” for war until Fort Sumter was fired upon, for up until that time, the overwhelming majority of the people of the North, including members of Lincoln’s own party, opposed coercive measures against the Southern States. Since seven States exercised the constitutional right of secession and established a new Government according to the will of the Southern people, as well as the principles which Lincoln himself had advocated at one time, there was no “insurrection,” or “treason against the United States,” and therefore no “public necessity” which required the suspension of the Constitution and the writ of habeas corpus which we will discuss in the next two chapters.

The Constitution expressly reserves to Congress the power “to provide for calling forth the Militia [of the several States] to execute the Laws of the Union, suppress Insurrection and repel Invasions” (Article I, Section 8, Clause 15). The President, whether in his civil or military capacity, has no such “war power” as claimed by Lincoln.

It should be noted that the lawful Congress of the United States of America ceased to exist in 1861 when seven Southern States withdrew therefrom and the remaining members adjourned sine die:

Adjournment. A putting off or postponing of business or of a session until another time or place. The act of a court, legislative body, public meeting, or officer, by which the session or assembly is dissolved, either temporarily or finally, and the business in hand dismissed from consideration, either definitely or for an interval. If the adjournment is final, it is said to be sine die (Black’s Law Dictionary [Sixth Edition], page 42).

This sine die adjournment had the same effect as when the former Continental Congress under the Articles of Confederation likewise adjourned — the existing political Union between the States was dissolved, opening the way for the establishment of an

entirely new form of government. As we will see in a later chapter, this “new nation,” while retaining the external appearance of the constitutional Union of the several States, is instead a consolidated military State erected upon a continuous cycle of reorganized bankruptcy. The purported Reconstruction amendments served as the charter of this new government, not the Constitution of 1787.

In the place of the lawful Congress, a de facto legislative body was convened on 4 July 1861 under Lincoln’s purported “war power” as Commander-in-Chief of the military — a body which had no other law-making power other than to decide matters of public policy in accordance with the will of its Executive creator. That Congress continues to operate in this provisional character to this day is openly declared in the list of Titles in Volume One of the United States Code. Title II — “The Congress” — is marked with an asterix and a footnote at the bottom of the page reads, “Exists By Resolution.” The difference between resolution and law is explained in the following:

The chief distinction between a “resolution” and a “law” is that the former is used whenever the legislative body passing it wishes merely to express an opinion as to some given matter or thing and is only to have a temporary effect on such particular thing, while by a “law” it is intended to permanently direct and control matters applying to persons or things in general (Black’s Law Dictionary [Sixth Edition], page 1310).

#### Lincoln’s Unlawful Suspension of Habeas Corpus

It was under woefully false pretenses that Lincoln invoked the so-called Executive “war powers” to meet the exigencies of a declared “civil war” with “the exercise of beligerent rights” without the consent of Congress,(1) and, while his “fellow countrymen” were thereafter embroiled in a bloodbath which his own party had arranged and instigated, he was able to quietly dismantle the Union created under the Constitution and replace it with a consolidated military government, or a “temporary dictatorship,”(2) in which the “supreme law” would be nothing short of his own will.(3) It was this fact that was announced by E.C. Ingersoll in a public speech during the War:

The President, in such a time, I believe, is clothed with power as full as that of the Czar of Russia....

If it be necessary, perhaps it is just as well for the people to become familiar with this power, and the right of its exercise, now as at any other time.

If the President should determine that in order to crush the rebellion the Constitution itself should be suspended during the rebellion, I believe he has the right to do it.(4)

William Seward likewise boasted, “My Lord, I can touch the bell at my right hand and order the arrest of a man in Ohio; I can again touch the bell and order the arrest of a man in New York, and no power on earth save that of the President can release them.”(5) This claim to such despotic power was based on Lincoln’s Proclamation of 24 September 1862, in which he authorized himself to suspend the writ of habeas corpus and declared that “all persons... guilty of disloyal practices... shall be subject to martial law, and liable to trial and punishment by court martial or military commission.” Two days later, the office of Provost Marshal General was created within the War Department and given the authority to arrest all those suspected of such “disloyal practices.” Lincoln’s proclamation, and the subsequent creation of what amounted to a military police force under himself as Commander-in-Chief, was directed primarily at one class of Americans — the

Northern Democrats (Copperheads) who had opposed the usurpations of the Lincoln Administration in favor of "the Union as it was and the Constitution as it is." For example, the Democrats of Harrisburg, Pennsylvania had issued the following press release just prior to the fall of Fort Sumter:

If this Administration wickedly plunges the country into civil war, it will be a war between the Republican party and the Southern states.... In such a conflict the Northern Democrats can have no sympathy with the Government.... If the Administration is bent upon having a fight... they created the difficulty and their partisans must carry on the war. Northern Democrats can never shoulder a musket or pull a trigger against those whose rights they conscientiously believe have been trampled upon. If this be treason, it is treason against the Chicago platform, and on behalf of the majority of the American people; treason for the Union, and against its enemies. If this is treason, make the most of it.(6)

In the words of Attorney-General Cushing in 1857, "the right to suspend the writ of habeas corpus, and also that of judging when the exigency has arisen, belongs exclusively to Congress (emphasis in original)." (7) Regardless of a complete lack of constitutional authority to do so, Lincoln and his Provost Marshals arrested and imprisoned an estimated 38,000 political prisoners, who were denied a trial before an impartial jury of their peers, as guaranteed by the Sixth Amendment, and subjected to the farce of a trial before a military tribunal, if they were granted the benefit of a trial at all.

Many languished in such places of misery as the Old Capital Prison without ever knowing the nature of the charges against them.(8)

Having thus established himself as a military dictator, Lincoln naturally favored summary courts-martial over constitutional courts because such proceedings "are not based on the written law,"(9) and such courts are "not to be bound... by common-law rules,"(10) and are "in great degree devoid of the technicalities which characterize the proceedings of ordinary courts." (11) Daniel Webster had pointed out a generation before Lincoln's ascension to power that "military courts are organized to convict,"(12) and they may do so on the most frivolous of pretenses, if any pretense at all. Furthermore, it was the belief of the Republicans in power that "there is no place within the boundaries of the republic where the court martial may not take the place of civil courts and thrust aside the laws," and that "the generals in command, subject to the President, are the only judges of the necessity of the time and occasion when such court martial or order may be properly issued, and no civil court can interfere." (13) Colonel H. Bertram of the 20th Wisconsin Volunteers added to this belief the threat that "those who complain so loudly and so lightly about the suspension of the writ of habeas corpus and the institution of martial law in time of actual rebellion, ought themselves to be suspended between heaven and earth by a few yards of hemp well adjusted around their necks" (emphasis in original).(14)

On 16 May 1863, a convention of Democrats assembled in Albany, New York to protest the arbitrary arrest of Ohio Congressman Clement L. Vallandigham. The resolutions produced by this convention opened with an affirmation of the loyalty of the Democratic party to the alleged purpose of the war in preserving the Union, and they went on to exhort the Administration to "be true to the Constitution... [to] recognize and maintain the rights of the States and the liberties of the citizen... [and to] everywhere outside of the lines of necessary military occupation and the scenes of insurrection, exert all its

powers to maintain the supremacy of the civil over military law.” The resolutions went on to state:

Resolved, That in view of these principles we denounce the recent assumption of a military commander to seize and try a citizen of Ohio, Clement L. Vallandigham, for no other reason than words addressed to a public meeting, in criticism of the course of the Administration, and in condemnation of the military orders of that general.

Resolved, That this assumption of power by a military tribunal, if successfully asserted, not only abrogates the right of the people to assemble and discuss the affairs of Government, the liberty of speech and of the press, the right of trial by jury, the law of evidence, and the privilege [sic] of habeas corpus, but it strikes a fatal blow at the supremacy of law, and the authority of the State and Federal Constitutions.

Resolved, That the Constitution of the United States —the supreme law of the land — has defined the crime of treason against the United States to consist “only in levying war against them, or adhering to their enemies, giving them aid and comfort;” and has provided that “no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.” And it further provides that “no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger;” and further, that “in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial, by an impartial jury of the State and district wherein the crime was committed.”(15)

Lincoln, of course, was unimpressed by this opposition and simply justified his actions as follows:

...[T]hese provisions of the Constitution have no application to the case we have in hand, because the arrests complained of were not made for treason — that is, not for the treason defined in the Constitution.... The arrests were made on totally different grounds, and the proceedings following accorded with the grounds of the arrests....

Yet thoroughly imbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures which by degrees I have been forced to regard as being within the exceptions of the Constitution, and as indispensable to the public safety. Nothing is better known to history than that courts of justice are utterly incompetent to such cases. Civil courts are organized chiefly for trials of individuals, or, at most, a few individuals acting in concert, and this in quiet times, and on charges of crimes well defined in the law.... Again, a jury too frequently has at least one member more ready to hang the panel than to hang the traitor. And yet, again, he who dissuades one man from volunteering, or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance.

Ours is a case of rebellion... and the provision of the Constitution that “the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it,” is the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the Constitution that ordinary courts of justice are inadequate to “cases of rebellion” — attests their purpose that, in such cases, men may be held in custody whom the courts,

acting on ordinary rules, would discharge. Habeas corpus does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the Constitution on purpose that men may be arrested and held who cannot be proved to be guilty of defined crime, "when, in case of rebellion or invasion, the public safety may require it." This is precisely our present case — a case of rebellion, wherein the public safety does require the suspension. Indeed, arrests by process of courts and arrests in cases of rebellion do not proceed altogether upon the same basis.... In the latter case arrests are made not so much for what has been done, as for what probably would be done. The latter is more for the preventive and less for the vindictive than the former. In such cases the purposes of men are much more easily understood than in cases of ordinary crime. The man who stands by and says nothing when the peril of his Government is discussed cannot be misunderstood. If not hindered, he is sure to help the enemy; much more if he talks ambiguously — talks for his country with "buts" and "ifs" and "ands."

...[T]he Constitution is not, in its application, in all respects the same, in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security.(16)

In other words, any man who did not openly pledge his allegiance to the Lincoln Administration and its unjustifiable war against the Southern people and its usurpation of the rights of the Northern people, was guilty of this newly defined "treason" and subject to arrest without warrant and imprisonment without trial in a lawful court. The outrage of Northern Democrats was certainly justifiable:

The President not only admits that citizens have been deprived of their liberty on mere partisan conjectures of their possible intentions, but he confesses that these conjectures have had nothing to rest upon. "The man who stands by and says nothing when the peril of his government is discussed, cannot be misunderstood." Was anything so extraordinary ever before uttered by the chief magistrate of a free country? Men are torn from their homes and immured in bastiles for the shocking crime of —silence! Citizens of the model republic of the world are not only punished for speaking their opinions, but are plunged into dungeons for holding their tongues! When before, in the annals of tyranny, was silence ever punished as a crime?...

Few among us ever expected to live to see such things done; and nobody, we are sure, to see them so unblushingly confessed. What must be Mr. Lincoln's appreciation of the public sentiment of the world, when he thus comes before the country with a paper containing statements which sound more like the last dying speech and conversation of a tyrant than like the justification of the elected ruler of a free people?

The courts, of course, cannot punish this dreadful crime of "standing by and saying nothing." Mr. Lincoln admits this, and assigns a very good reason: "Because," says he, "the arrests complained of were not made for treason — that is, not the treason defined in the Constitution." It is a tolerably safe position, that silence, "to stand by and say nothing," is not "the treason defined in the Constitution"; it is a treason which our fathers never thought of providing against; they guaranteed free speech, but they never imagined that free silence could over stand in need of protection. So far from silence being "the treason defined in the Constitution," it is "a treason" invented by Abraham Lincoln. It was reserved for him, in the last half of the enlightened nineteenth century, to hit upon this refinement, which had escaped the acuteness of all preceding tyrants (emphasis in

original).(17)

Another of the men thus arrested by Lincoln's minions was Francis Key Howard, the editor of the Baltimore Exchange and grandson of the author of the national anthem, who described his imprisonment at Fort McHenry in the following words:

When I looked out in the morning, I could not help being struck by an odd and not pleasant coincidence. On that day forty-seven years before my grandfather, Mr. F.S. Key, then prisoner on a British ship, had witnessed the bombardment of Fort McHenry. When on the following morning the hostile fleet drew off, defeated, he wrote the song so long popular throughout the country, the Star-Spangled Banner. As I stood upon the very scene of that conflict, I could not but contrast my position with his, forty-seven years before. The flag which he had then so proudly hailed, I saw waving at the same place over the victims of as vulgar and brutal a despotism as modern times have witnessed.(18)

As pointed out by General Benjamin Butler in his book, "The Lincoln Government was rarely aided, but was usually impeded by the decisions of the Supreme Court," and therefore one of the reasons Lincoln suspended habeas corpus, was "to relieve himself of the rulings of the court." (19) The eminent and aged Chief Justice Roger Taney himself was threatened with imprisonment when he declared that "the president has exercised a power which he does not possess under the Constitution," (20) but was spared such an intolerable fate only by his death. Justice Benjamin R. Curtis' liberty was also imperilled when he wrote in his 1862 pamphlet entitled Executive Power:

The President has made himself a legislator. He has enacted penal laws governing citizens of the United States. He has superadded to his rights as commander the power of a usurper. He has established a military despotism. He can now use the authority he has assumed to make himself master of our lives, our liberties, our properties, with power to delegate his mastership to such satraps as he may select.(21)

Lincoln and his military satraps even dared lay their infernal hands upon the churches of the North and the occupied portions of the South. One example of many was the arrest of K.J. Stewart, a clergyman of Saint Paul's Episcopal Church in Alexandria, Virginia in the fall of 1861 by the order of the State Department in Washington, D.C. The alleged ground of the arrest was that Stewart "refused to pray for the President of the United States," (22) but the true purpose, as revealed by the perpetrators of the crime, was "to intimidate and compel the clergy of the Border States to withdraw the support and consolation of the Christian religion from a stricken people, who fled to it as their only hope, and who used it to strengthen themselves to great endurance." (23)

The account of the arrest, which should be sufficient to arouse the indignation of any Christian people, is as follows: Stewart, who was known to privately withhold support for the war policies of the Lincoln Administration, made it known in a letter to the State Department that "being an American citizen, he could not allow the State to dictate to the Church what petition should be asked of the Great King," and that "it would be better to die than to allow the Church to be used as a political tool."

A communion sermon was preached which alluded to the historical fact that all things held most dear by his congregation, the most sacred of which was the death of the Lord Jesus Christ which they would henceforth celebrate, were "blood-bought." In Stewart's audience were two government agents, assigned to take note of anything that could be used as a pretense for his arrest. When the sermon had been thus illustrated, one of the

agents spoke to the other:

All precious things are “blood-bought”; that means that freedom is blood-bought; it means the Magna Charta is blood-bought; it is aimed at the President’s proclamation. Write it down as treason. Damn the priests! I intend to make them preach and pray my way. We’ll see which has the longest sword, their master, or ours!

To this, the second agent added, “If I break this fellow down, all the rest will cave in.” A motley crew of characters was then assembled by the State Department to invade the church on the following Sunday, surround the minister as he prayed, and compel him by sabres thrust against his breast to speak only as commanded. Ignoring the devilish throng about him, Stewart began his prayer: “From all evil and mischief; from all sedition, privy conspiracy....” The congregation responded, “Good Lord, deliver us.”

”Bless all Christian rulers and magistrates,” Stewart continued, “and give them grace to execute justice and maintain truth.” At this point, the officer in charge of the unruly mob wrested the Bible from the minister’s hands and threw it to the ground shouting, “You are a traitor! in the name and by the authority of the President of the United States, I arrest you!” Stewart calmly stood, faced the officer, and motioning to his congregation, he said, “Let these go, take me; but before I yield myself up to you, I summon you to appear before the bar of the King of kings, to answer the charge of interrupting his ambassador, while in the house of God, and in the discharge of his duty.” (24)

Stewart was then escorted to prison by two sergeants with drawn revolvers, while the young females of his family were seized and dragged through the streets to the delight of the gathered mobs of “loyal” citizens. The office of the newspaper which reported these atrocities was subsequently burned to the ground, as was that of the religious journal, *The Southern Churchman*. Stewart was finally exiled from his home, and spent the duration of the war ministering to the wounded and dying on the battlefields, and in the prisons and hospitals. Such monstrous acts of tyranny were all perpetrated with the full knowledge and direction of Lincoln’s Administration, and were commenced by the finger of William Seward as it nonchalantly touched the infamous “little bell” — the self-same bell which will be rung with deafening clarity by the retributive finger of Almighty God to intensify Seward’s torment as he languishes, as did his earthly victims, in the eternal prison cell of divine wrath, without hope and comfort.

We close this chapter with the following warning from Stephen D. Carpenter — a warning which went largely unheeded by his contemporaries:

From the foregoing evidence... we cannot escape the general conclusion that it is the purpose of those in power and those who control the Administration, to plunge us into despotism — to finally destroy this old Union, and to build up a government on its ruins, in accordance with the early motives of a privileged aristocracy, or limited monarchy. The Union as it was, we need never look for again. So the despots in power tell us, and if they can prevent it, that fabric of free government reared by the combined wisdom and through the mutual sacrifice of a race of heroes and statesmen, will never be permitted again to shed the luster of its glory on a people that will soon lament the entire loss of liberty....

Our government is undergoing a revolution at the North as well as at the South. The party in power... have put themselves on record in favor of a different government from that of our fathers. They spit upon and deride the Constitution. But they knew they could

not change this government to that of a military despotism, except by and through the means of military power. Hence, they have stricken down the civil and erected the military standard. We are now virtually under martial law. We can exercise no civil functions that do not suit the pleasure of the Military Dictator. This is the land-mark we have reached to-day. No man can deny this fact, and if this power is not exercised in every particular, it only shows that the historian was correct when he asserted as a general maxim that "new born despotism is both timid and cautious, and seldom reaches its altitude at one bound, but chooses rather to approach it by slow but sure degrees." It is a shrewd policy to allow the people for a while some of their rights, lest a counter revolution might be inconvenient and troublesome (emphasis in original).(25)

William E. Birkhimer, LL.B., *Military Government and Martial Law* (Kansas City, Missouri: Franklin Hudson Publishing Company, 1914), page 48. Although it is not true that the Constitution grants "Executive war powers" to the President in times of genuine national emergency, such were certainly not Lincoln's to invoke in a contrived emergency which he himself initiated at the request of an elite few to satisfy their lust for power and financial gain. For this reason, Lincoln sought, no less than fifteen times, the ex post facto stamp of approval of Congress on his actions with the following resolution:

BE IT RESOLVED by the Senate and House of Representatives of the United States in Congress assembled: THAT all the extraordinary acts, proclamations, and orders herein before mentioned be and the same are approved, and declared to be in all respects legal and valid to the same, and with the same effect as if they had been issued and done under the previous and express authority and direction of the Congress of the United States.

It is not widely known that the resolution which Lincoln submitted to Congress was not ratified until nearly a full seventy-two years later, when, on 9 March 1933, Franklin Delano Roosevelt followed the example of his predecessor in declaring unconstitutional war against the American people. Lincoln's resolution is now codified, with a few minor modifications, in Title 12 United States Code 95b.

#### Lincoln Suspends the Constitution and the Laws

The contest for ages has been to rescue liberty from the grasp of executive power. On the long list of champions of human freedom, there is not one name dimmed by the reproach of advocating the extension of Executive authority. On the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it. Through all the history of the contest for liberty, Executive power has been regarded as a lion that must be caged. So far as being the object of enlightened, popular trust; so far as being considered the natural protection of popular right, it has been dreaded as the great object of danger.

Our security is our watchfulness of Executive power. It was the construction of this department which was infinitely the most difficult in the great work of erecting our government. To give to the Executive such power as should make it useful, and yet not dangerous; efficient, independent, strong, and yet prevent it from sweeping away everything by its military and civil power, by the influence of patronage and favor; this, indeed, was difficult. They who had this work to do saw this difficulty, and we see it. If we would maintain our system, we should act wisely, by using every restraint, every guard

the Constitution has provided — when we and those who come after us, have done all we can do, and all they can do, it will be well for us and them, if the Executive, by the power of patronage and party, shall not prove an overmatch for all other branches of Government. I will not acquiesce in the reversal of the principles of all just ideas of Government. I will not degrade the character of popular representation. I will not blindly confide, when all my experience admonishes to be jealous. I will not trust Executive power, vested in a single magistrate, to keep the vigils of liberty. Encroachment must be resisted at every step, whether the consequence be prejudicial or not, if there be an illegal exercise of power, it must be resisted in the proper manner. We are not to wait till great mischief comes; till the Government is overthrown, or liberty itself put in extreme jeopardy. We would be unworthy sons of our fathers were we so to regard questions affecting freedom.(1)

In contrast to these historically accepted principles, William Whiting made the following astonishing claim in his 1862 work entitled *The War Powers of the President*: “The powers conveyed in this 18th clause of Art. I., Sect. 8 [of the Constitution], are of vast importance and extent. It may be said that they are, in one sense, unlimited and discretionary. They are more than imperial....”(2) In the way of such an “imperial” government stood the Constitution, which was contemned by leading Republicans as “a mistake,”(3) the “superstition” of the people,(4) a “sheep skin government” deserving no respect and “the foundation of our troubles,”(5) and by members of Lincoln’s Cabinet as “a paper kite”(6) and “the rotten rail of a Virginia abstraction.”(7) It was Seward’s opinion that “a written Constitution is dangerous to us of the North. The South is using it as a shield.”(8) The following excerpt from a speech given by Republican Abolitionist Wendell Phillips in Boston in May of 1849 summarized the agenda of his political party very well: “We confess that we intend to trample on the Constitution of this country. We of New England are not a law-abiding community. God be thanked for it! We are disunionists; we want to get rid of this Union.”(9)

It has been said that “majorities, in a democracy, do not rely on Constitutions, do not care for Constitutions.”(10) The Republican party, which had gained the majority in Congress, and had successfully installed Abraham Lincoln in the White House — a man who could be moved and molded with promises of unprecedented power to satiate their hatred of the Constitution by destroying the Union which it had created — had in mind nothing less than to “nullify the Constitution and the laws.”(11) Such was their purpose ever since the party was organized in 1854.(12) And then, when the usefulness of their chosen puppet was at an end, they conspired amongst themselves to have him eliminated.(13)

It is another irony of American history that the man who declared in his first Inaugural Address that “no government proper ever had a provision in its organic law for its own termination,” actually appealed to the Constitution in order to suspend the Constitution, or, to use his own words, to “stick it into [a] hole.”(14) However, if Abraham Lincoln had held himself to the principles which he himself set forth in his speech of 27 January 1837, he might have saved, not only his own life, but the lives of his “fellow countrymen” as well:

Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the coun-

try, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, and so to the support of the Constitution and laws, let every American pledge his life, his property, and his sacred honor — let every man remember that to violate the law is to trample on the blood of his fathers, and to tear the charter of his own and children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, in spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation.

Whether intentionally or inadvertently, General Jamison nevertheless revealed the true instigators of the war to be the Republican party in a speech delivered to his soldiers on 22 January 1862 in which he said, "This is a war which dates way back of Fort Sumter; ever since 1854 we have been making the long campaign" (quoted by Edmonds, *Facts and Falsehoods*, page 143).

Reference: David Balsiger and Charles E. Sellier, *The Lincoln Conspiracy* (Los Angeles, California: Schick Sunn Classic Productions, Inc., 1977). The eighteen pages, which were "missing" from John Wilkes Booth's diary when it was turned over to Congressional investigative committees in April of 1865, were discovered in the attic of Secretary of War Edwin Stanton's descendants in 1974 by Joseph Lynch, an Americana collector from Worthington, Massachusetts, and were found to contain the names of seventy high Government officials and prominent businessmen who were involved in a conspiracy to remove Lincoln. Among those named were Stanton, Assistant Secretary of War Charles A. Dana, Colonel Lafayette C. Baker of the National Detective Police (Federal secret service), Chief of the War Department Telegraph Office Major Thomas Eckert, and Colonel Henry H. Wells of the United States Army. Such would not be the last time that governmental officials would conspire amongst themselves to remove a President and then cover up the conspiracy by blaming the crime on a "lone assassin."

14. Lincoln, quoted by Edmonds, *Facts and Falsehoods*, page 148. In his biography, *Reminiscences of Lincoln*, General Donn Piatt related how Amasa Walker, a wealthy New England financier, had concocted a plan to fill the depleted United States Treasury by issuing Coupon Treasury Notes, which drew 7.5 percent semi-annual interest payments, were convertible after three years into six percent 5-20 and 10-40 gold-bearing bonds, and which, by Act of Congress, were exempted from taxation. This national debt, which was admitted to be "a first mortgage on the property of the country" and "the only bond of union," would be funded by pledging the property and future labor of the American people. When this plan was presented to Lincoln, he was delighted. However, when Secretary of the Treasury Salmon Portland Chase first learned of the scheme, he cautioned, "There is one little obstacle in the way which makes the plan impracticable, and that is the United States Constitution." When Chase's comments were relayed to the President, Lincoln responded, "Go back to Chase and tell him not to bother himself about the United States Constitution. Say that I have that sacred instrument here at the White House, and I am guarding it with great care." Later, Lincoln called a conference with Chase and told him the following story:

Chase, down in Illinois I was held to be a pretty good lawyer; now this thing reminds me of a story. An Italian captain run his vessel on a rock and knocked a hole in her bot-

tom. He set his men to pumping and went to prayers before a figure of the Virgin Mary in the bow of the ship. The leak gained on them until it looked as if the vessel would go down with all on board. Then the captain, in a fit of rage at not having his prayers answered, seized the figure of the Virgin Mary and threw it overboard. Suddenly the leak stopped, the water was pumped out and the vessel got safely into port. When docked for repairs the statue of the Virgin Mary was found stuck head foremost in the hole....

...Chase, I didn't intend precisely to throw the Virgin Mary overboard — by that I mean the Constitution — But I will stick it into the hole if I can.

Secretary Chase, not long afterward, became a staunch advocate of the debt thus contracted, as well as chief among those who benefitted therefrom, and later, as Chief Justice of the United States Supreme Court, fastened the unconstitutional scheme upon the American people and their posterity by judicial decree. Chase was but one of many former opponents of Lincoln whose loyalty was bought with the offered enticements of wealth and political power.

#### Lincoln Attempts to Incite Negro Insurrection

Section 11 of the Act of Congress of 17 July 1862 made it clear that “the President may employ, organize, and use as many persons of African descent as he pleases to suppress the rebellion, and use them as he judges for the public welfare.” It was this power to seize the property of belligerents that lay behind Lincoln's much-celebrated, but little understood, Emancipation Proclamation. Not only did this document merely “emancipate” the slaves “within any State or designated part of a State the people whereof shall then be in rebellion against the United States” —leaving slavery completely untouched in the border States and in those parts of the Confederacy already occupied by Northern troops — but it did so “as a fit and necessary war measure for suppressing said rebellion....” Lincoln had chosen his words very carefully, for being a lawyer, he knew well the maxims that “martial law is dominant military rule springing out of necessity,”(1) and *necessitas non habet legem*.(2)

In keeping with the publicly stated conviction of his first Inaugural Address that he had “no lawful right” to “interfere with the institution of slavery in the States where it exists,” he admitted following the issuance of the Proclamation that it had “no constitutional or legal justification, except as a military measure.”(3) British statesman and observer of the war, Earl Russell, commented in a letter dated 17 January 1863:

The Proclamation of the President of the United States... appears to be of a very strange nature. It professes to emancipate all slaves in places where the United States authorities cannot exercise any jurisdiction... but it does not decree emancipation... in any States, or parts of States, occupied by federal troops... and where, therefore, emancipation... might have been carried into effect.... There seems to be no declaration of a principle adverse to slavery in this proclamation. It is a measure of war, and a measure of war of a very questionable kind.

The anticipated effect of the Proclamation was explained by the London Herald as follows:

Another symptom of increasing ferocity — a new source of frightful crime, on the one side, and provocation to horrible vengeance on the other, is disclosed in the demand made in New York for the Abolitionist Proclamation. So far as its nominal purpose

goes, this would be as futile as Mr. Lincoln's other edicts. Before he can emancipate the Southern negroes, he must conquer the South. But the demand is not made with a view to the real liberation of the slaves. It is meant to diminish the rebel army, by calling away many officers and men to the defense of their homes. The object is not negro emancipation, but servile insurrection — not the manumission of slaves, but the subornation of atrocities, such as those at Cawnpore and Meireut against women and children of Southern families.

For the negro the Northerners care nothing, except as a possible weapon in their hands, by which the more safely and effectually to wreak a cruel and cowardly vengeance on the South. Inferior in every respect to the Sepoys, the negro race would, if once excited to rebellion, outdo them in acts of carnage, as they would fall below them in military courage. They may be useful as assassins and incendiaries; as soldiers against the dominant race, they would be utterly worthless.... These new Abolitionists do not conceal their motives; they have not the decency to pretend conviction; they seek, avowedly, nothing but an instrument of vengeance on their enemy, and an instrument so dastardly, involving the commission of outrages so horrible, that even a government which employs a Mitchell and a Butler must shrink from such a load of infamy.(4)

It is perhaps one of the greatest travesties to arise from the War of 1861-1865 that Lincoln, who believed that "the slaveholder has a legal and moral right to his slaves" and who spoke of the "natural disgust in the minds of nearly all White people to the idea of an indiscriminate amalgamation of the White and Black races,"(5) who believed that "there is a physical difference between the White and Black races which... will forbid the two races living together in social and political equality," and was "in favor of having the superior position assigned to the White race,"(6) and who, after the war, had formulated a plan with General Butler to send the Southern Blacks to Panama "to dig the canal,"(7) should have been immortalized after his assassination as "the greatest, wisest, godliest man that has appeared on earth since Christ,"(8) and "as gentle and as unoffending a man who died for men,"(9) and memorialized in the hearts of nearly all Americans since as "the Great Emancipator." Nothing could be further from the truth. Indeed, Lincoln is indicted and condemned by his own words:

If destruction be our lot, we ourselves must be its author and its finisher. As a nation of free men, we must live through all time, or die by suicide.

That will be the time when the usurper will put down his heel on the neck of the people, and batter down the fair fabric of free institutions. Many great and good men may be found whose ambition aspires no higher than a seat in Congress, or a Presidential chair, but such belong not to the family of the Lion, or the tribe of the Eagle. What! Think you such places would satisfy an Alexander? a Caesar? or a Napoleon? Never! Towering ambition disdains a beaten path. It seeks regions unexplored. It sees no grandeur in adding story to story upon the monuments already erected to the memory of others. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts, it burns, for distinction, and, if possible, it will have it, whether at the expense of emancipating slaves or enslaving free men (emphasis in original).(10)

#### Southern Slaves Seized and Conscripted

Much has been made by modern revisionist historians of the fact that an estimated

180,000 Blacks fought under the United States flag against the South. However, we are seldom, if ever, told the reason for this. According to the laws of war, "All the property of rebels [is] forfeited to the treasury of the country," (1) and "slave property [is] subject to the same liability as other property to be appropriated for war purposes." (2) Consequently, the invading Northern army began to seize Southern slaves and conscript them into service to the United States, often against their will. From his headquarters at Hilton Head, South Carolina, Major-General David Hunter issued the following order:

All able-bodied colored men between the ages of eighteen and fifty within the military lines of the Department of the South, who have had an opportunity to enlist voluntarily, and refused to do so, shall be drafted into the military service of the United States, to serve as non-commissioned officers and soldiers in the various regiments and batteries now being organized in the Department. (3)

These orders and the following accounts may well account for a large majority of the Black men who bore arms against their former masters. In a letter to General Ulysses S. Grant, General John A. Logan wrote that "a major of colored troops is here with his party capturing negroes, with or without their consent." (4) General Innis N. Palmer reported from Virginia to General Butler, "The negroes will not go voluntarily, so I am obliged to force them.... The matter of collecting the colored men for laborers has been one of some difficulty.... They must be forced to go...." (5) In the words of General Rufus A. Saxton, "Men have been seized and forced to enlist who had large families," and on at least one occasion, "three boys, one only fourteen years of age, were seized in a field where they were at work and sent to a regiment... without the knowledge of their parents...." (6) It was also reported that:

On some plantations the wailing and screaming were loud and the women threw themselves in despair on the ground. On some plantations the people took to the woods and were hunted up by the soldiers.... I doubt if the recruiting service in this country has ever been attended with such scenes before. (7)

It was not uncommon for these Black regiments to be "forced to the front by a wall of bayonets, in white hands, behind them." (8) One Northern soldier is quoted as saying, "I used to be opposed to having black troops, but when I saw ten cart-loads of dead niggers carried off the field yesterday I thought it better they should be killed than I." (9) Another soldier commented that this treatment "has created a suspicion that the Government has not the interest in the negroes that it has professed, and many of them sighed yesterday for the 'old fetters' as being better than the new liberty." (

Because the invading Northern soldiers had been instructed to view the Southern slaves as "enemy property" to be confiscated and appropriated to the use of the United States Army, it was inevitable that the hatred these men carried in their hearts toward the people of the South would be projected upon their helpless servants.

The official records of the war, published by the United States Government, are literally filled with accounts of the robbery, rape, and murder endured by Southern Blacks at the hands of their supposed "liberators."

J.T.K. Hayward testified that Northern soldiers were "committing rapes on the negroes and such like things.... and no punishment, or none of any account, has been meted out to them." (11) In the tiny town of Athens, Alabama, Northern soldiers under the command of Colonel John B. Turchin "attempted an indecent outrage on [a] servant girl," and quar-

tered themselves “in the negro huts for weeks, debauching the females.” This account also tells of the gang-rape “on the person of a colored girl....”(12)

After the fall of Richmond, General Grant was notified that “a number of cases of atrocious rape by these men have already occurred. Their influence on the colored population is also reported to be bad.”(13) General Saxton wrote the following report to Secretary of War Stanton on 30 December 1864:

I found the prejudice of color and race here in full force, and the general feeling of the army of occupation was unfriendly to the blacks. It was manifested in various forms of personal insult and abuse, in depredations on their plantations, stealing and destroying their crops and domestic animals, and robbing them of their money.... The women were held as the legitimate prey of lust....(14)

Such official accounts were collaborated by the eyewitness testimonies of Southerners themselves, both White and Black. Mrs. Nora Canning of Savannah, Georgia told how the dead baby of one of the family’s slave-women was dug up by Northern soldiers looking for buried treasure, and the body carelessly cast aside to rot in the sun when none was found. Dr. Daniel Trezevant, a respected citizen of Columbia, South Carolina, testified how one “old negro woman, who, after being subjected to the most brutal indecency from seven of the Yankees, was, at the proposition of one of them to ‘finish the old Bitch,’ put into a ditch and held under water until life was extinct....”

In a letter that was discovered in the streets of Columbia, South Carolina after Sherman’s “bummers” passed through, Lieutenant Thomas J. Myers wrote the following words to his wife in Boston:

The damned niggers, as a general rule, prefer to stay at home, particularly after they found out that we only wanted the able-bodied men, (and, to tell you the truth, the youngest and best-looking women.) Sometimes we took off whole families and plantations of niggers, by way of repaying secessionists. But the useless part of them we soon manage to lose; sometimes in crossing rivers, sometimes in other ways.(15)

Some Black slaves, supposedly emancipated by Lincoln’s Proclamation of 1 January 1863, found themselves traded back to Southern planters by Northern officers in exchange for cotton. One Government document revealed:

A commission is now in session at the west with Maj. Gen. McDowell at its head, investigating the conduct of Maj. Gen. Curtis and other Republican officials, in conducting their military operations so as to secure the largest amount of cotton possible for their own private benefit. One of the richest revelations made is in reference to the trading off of negroes for cotton! The specification alleges that negro slaves had been taken from the plantations upon the pretense of giving them freedom under the President’s “emancipation edict,” and thus used as a substitute for coin. It has been fully proven before the investigating court. The officer charged with this lucrative speculation was Col. Hovey of Illinois, formerly the principal of the State Normal School at Bloomington.(16)

Such information is rarely brought to light by those who propagate the myth that the war was fought with the welfare of the Black man in mind.

#### Military Occupation of the Southern States

On 2 April 1866, Andrew Johnson, by Presidential Proclamation, declared that the “insurrection” in all the Southern States except Texas was “at an end, and [was] hence-

forth to be so regarded.” On the twentieth of August of that same year, Johnson proclaimed that the “insurrection” was “at an end” in Texas as well, and that “peace, order, tranquility, and civil authority now exist, in and throughout the whole of the United States of America.” However, as admitted by the 43rd Congress in 1874, the “state of war” continued:

War was continued in those States until the President’s proclamation of August 20, 1866, proclaimed “the insurrection at an end.” A “state of war” continued beyond this time, more or less extensive in its theater — “non flagrante bello sed nondum cessante bello” (Mrs. Alexander’s Cotton, 2 Wall. 419).

A state of war does not cease with actual hostilities. “Military government may legally be continued bello nondum cessante, as well as flagrante bello”.... It is easier to provoke a civil war than to restore the confidence without which peace returns but by name. Under these circumstances the reasons which justify martial law subsist.

The existence of what is called “a state of war” after flagrant war has ceased is recognized on the same principle as the personal right of self-defense. This is not limited to the right to repel an attack; but so long as the purpose of renewing it remains — the animus revertendi — so long as the danger is imminent or probable, the party assailed may employ reasonable force against his adversary to disarm and disable him until the danger is past, and in doing this and judging of its necessity precise accuracy as to the means is not required, but only the exercise of reasonable judgment in view of the circumstances.

If after the forces under the command of Lee surrendered in April, 1865, the United States forces had been immediately withdrawn, the rebellion would possibly have resumed its hostile purposes.

It was upon this theory, coupled with the constitutional duty of Congress to “guarantee to each State a republican form of government,” that the reconstruction acts were passed, and military as well as civil measures adopted in pursuance of them.(1)

The people of the South, utterly exhausted by four tragic years of war, attempted to function as States within the de facto military nation which had been forced upon them. It is beyond all argument that, despite the assertion of the 43rd Congress, “a republican form of government” was indeed in place in each of the former “rebel” States during this period and it was upon this basis that the alleged Thirteenth Amendment was ratified, abolishing slavery throughout the several States.(2) However, when it came time to push through the Fourteenth Amendment, complete with its legalization of the unconstitutional debt contracted during the war, and the foundation of a national banking system and the economy of the nation itself upon it, Southerners once again thought it their duty to protect their posterity from the encroachments of a political party bent only on the satiation of its own lust for power. As a result, the amendment failed to receive the approval of the required three-fourths of the States(3) and the wrath of the Republican beast was once again roused against the South. At this point, the doctrine of “State suicide” was resurrected — a doctrine which the Northern radicals had propagated during the war to justify subjugation of the South and which was founded squarely upon the fallacy that the several States derived their existence from the Union, rather than vice versa:

The [Southern] states committed suicide, so that as states they cease to exist, leaving their whole jurisdiction open to the occupation of the United States under [Article IV,

Section 2, Clause 2 of] the Constitution.... The states, by their flagrant treason, have forfeited their rights as states, so as to be civilly dead.... [T]hey can take no part and perform no function in the Union, so that they cannot be recognized by the national government. The reason is plain. There are in these states no local functionaries bound by constitutional oaths — so that there are, in fact, no constitutional functionaries — and, since the state government is necessarily composed of such functionaries there can be no state governments.(4)

During a speech on the floor of Congress on 8 January 1863, Republican Senator Thaddeus Stevens likewise declared, “The South must be punished under the rules of war, its land confiscated.... These offending States were out of the Union and in the role of a belligerent nation to be dealt with by the laws of war and conquest.”(5) Following the downfall of the Confederacy, his opinions were the same. In response to the suggestion that Confederate States President Jefferson Davis should be tried and hanged as a traitor, he said:

The belligerent character of the Southern States was recognized by the United States.... The Southerners should be treated as a conquered alien enemy and appropriated to the payment of the national debt. This can be done without violence to the established principles only on the theory that the Southern States were severed from the Union and were an independent government *de facto*, and an alien enemy to be dealt with according to the laws of war. Absurd to think of trying the leaders for treason. That would be acting under the Constitution....

No reform can be effected in the Southern States if they have never left the Union.... But by treating them as an outside, conquered people, they can be refused admission to the Union unless they voluntarily do what we demand.(6)

Benjamin Butler likewise declared that “the time has not come for holding any relations with [Virginia and the South] but that of the conqueror to the conquered.”(7) It should be remembered that the lives of no less than 600,000 men had been sacrificed on the altar of the premise that the Southern States could never leave the Union and that they were therefore “in rebellion against the United States.” Now it appeared that the capricious demands of lawless fanaticism could accomplish what lawful State conventions could not. The secession ordinances voted on and passed by the Southern States six years previously had been declared “legally void” by Lincoln, but a simple wave of the Republican hand was sufficient to expel them from the “indivisible Union.” If ever evidence were needed of the arbitrary nature of military government, the post-bellum antics of the Republican party are an inexhaustible source.

Republican Senator Baker of Oregon likewise made the following recommendation to Congress in 1867: “I am in favor of reducing the population of the Southern States to abject subjection to the sway of the government.... We may have to reduce the Southern States to the condition of territories, and send them from Massachusetts or from Illinois, governors to control them. I would do that.”(8) It was in this line of thinking that the Attorney General revealed the purpose of the Act of Congress of 23 March 1867 to be to “preserve order [absolute subjection] and to punish offenders, if found necessary, by military commissions.” The report went on to state:

We see, first of all, that each of these States is “made subject to the military authority of the United States” — not to the military authority altogether, but with this express limi-

tation — "as hereinafter prescribed"....

There can be no doubt as to the rule of construction according to which we must interpret this grant of power. It is a grant of power to military authority, over civil rights and citizens, in time of peace. It is a new jurisdiction, never granted before, by which, in certain particulars and for certain purposes, the established principle that the military shall be subordinate to the civil authority is reversed.(9)

Such a political doctrine set the stage for the horrors of what came to be known as the Reconstruction period, which has rightly been referred to as "the darkest page in the saga of American history." (10) As was stated in the February 1903 issue of Scribner's Magazine, "Lincoln has made a precedent which future rulers will imitate. What Lincoln excused and defended will be assumed as the right for rulers to follow." The "war powers" used by Lincoln to justify war on the South in 1861-1865 were the same powers invoked by his successors to justify the second war against the South of 1867-1877, in which the Southern States were divided into military districts and ruled by rump legislatures.

In the words of Ulysses S. Grant, "The law [of war] makes the district commanders their own interpreters of their power under it." (11) Under such a despotic rule, large numbers of Southern citizens were arrested daily on the most frivolous charges, and sometimes on no charge at all, and imprisoned in such horrible sites of torture as the Dry Tortugas:

At the Dry Tortugas the prisoners' heads are shaved. They have to labor under a torrid sun upon a sand bank in the midst of the ocean, with balls and chains about their legs. The men who command the prisoners are amenable to the laws of neither God or man. Col. Grental, a soldier, was tied up by his thumbs, and treated with every species of cruelty and barbarity. The laws are silent and newspapers dumb. The prisoner who enters the Dry Tortugas leaves liberty, justice, hope, behind him. Large numbers of young Southern men, for any or no offense, in what is called the reconstruction period, are arrested, go through the farce of a drumhead trial, presided over by men who take a fiendish delight in torturing any Southern man or woman, nearly always found guilty, and sentenced for life to the Dry Tortugas. The lips of the Alabama journals are pinned together with bayonets. Our hands are fastened in iron cuffs. We dare not speak the whole truth. If we did our paper would be suppressed, our business ruined, our wives and children brought to want.(12)

Even some Northerners were shocked at the conditions in the South during Reconstruction. For example, the New York Herald stated:

Every personal right of the citizen is invaded at once. Without any process of law whatever, a man is deprived of his liberty and thrust into a cell at the mere bidding of a political or military bully. The secrecy of the telegraph and post office is violated as no man would dare violate them in despotic France.(13)

Northern Democrats also also protested in Congress, but to no avail:

The military have been used to destroy States. The General of the army, representing the sword, and only the sword, has been exalted by acts of Congress above the constitutional Commander in Chief of the Army and Navy, in order to execute these military decrees and root out every vestige of constitutional law and liberty. To prolong and perpetuate this military rule in the North and West, as well as the South, this same General of the army has been elected at the Chicago Convention to head the electoral votes

for the Presidency in ten States of this Union, which are as much under his feet as Turkey is under the Sultan's, or Poland under the Czar of Russia.(14)

According to the laws of war, "The commander of the invading, occupying, or conquering army rules the country with supreme power, limited only by international law and the orders of his government." (15) Colonel C.C. Gilbert, who was given command of Camden, Arkansas, drew from this the conclusion that "the military are not the servants of the people, but their masters." (16) As we shall see in the next chapter, it was during this period that "ratification" of the so-called Fourteenth Amendment in 1868 was accomplished by the administrative tentacles of a de facto military government, which created and conveyed statutory "U.S. citizenship" upon the "emancipated" slaves, whereby they were appropriated as the "other Property of the United States" (17) and, as assets of the indebted United States, were made subject to the "exclusive Legislation" of Congress "in all Cases whatsoever." (18) Eventually, with the enactment of the International Labor Organization Treaty of 1935, this "citizenship" was applied to nearly all Americans via Social Security enumeration.

#### The Purpose of the Fourteenth Amendment

During Lincoln's war against the States, Executive power to confiscate the property of individuals sympathetic to the "enemy" was declared:

The first act authorizing the confiscation of property was that of August 6, 1861 [12 Statutes at Large, page 1266]. It provided that if, during the then existing or any future insurrection against the government, after proclamation of the President that the laws of the United States are opposed by combinations too powerful to be suppressed by the ordinary machinery of government authorities for that purpose, then all that property of whatsoever kind or description used with the consent of the owner to further the interests of the insurrection should be lawful subject of prize of capture wherever found, and it was made the duty of the President to cause the same to be seized, confiscated, and condemned.... The act extended to all descriptions of property, real or personal, on land or on water. The Supreme Court decided that its enactment was in virtue of the war powers of the government. It defined no crime. It imposed no penalty. It declared nothing unlawful. It was not, therefore, a mere municipal regulation for the punishment of crime. It was aimed exclusively at the seizure and confiscation of property used, or intended to be used, to aid, abet, or promote the rebellion, then a war, or to maintain the war against the government. It treated the property as the guilty subject.(1)

Other seizure mechanisms were provided in the Captured Property Act of 12 March 1863.(2) Under the terms of these wartime statutes, Executive agents of the Treasury Department entered the States of the Southern Confederacy and began to seize abandoned or otherwise considered captured property in the places where the U.S. Army had already swept through. Proceedings in rem(3) were then conducted in prize courts wherein the property was condemned and the proceeds thereof were deposited into the Treasury.(4) Such work was very lucrative and by May of 1868, the gross sales of such property seized under the Act amounted to about \$30 million with net proceeds totalling about \$25 million. As discussed in a previous chapter, the primary form of property thus seized by the invading Northern Army was that owned by Southern planters in the labor of their slaves. This is both the historical and legal background to the so-called Four-

teenth Amendment, the first clause of which reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

The “United States” referred to in this amendment was the U.S. Government acting in its supposed corporate war-time capacity and not the several States “in Congress assembled” under the Constitution — a fact to which all legislation subsequently based on the purported amendment attests.(5) This is also evident from the fact that the word “thereof” in the jurisdiction clause is singular in nature — “Every person born or naturalized in the United States subject to its jurisdiction is a citizen”(6) — whereas the wording of the jurisdiction clause of the previous Thirteenth Amendment was clearly plural — “Neither slavery nor involuntary servitude... shall exist within the United States, or any place subject to their jurisdiction.” The difference in phraseology may be explained by the fact that the Thirteenth was properly ratified by the several State legislatures acting in their republican capacities, whereas the Fourteenth was “ratified” by military satellites of Washington, D.C. set up in the South after the lawful governments there had been expelled from power.

According to Black’s Law Dictionary, “The Fourteenth Amendment of the Constitution of the United States, ratified [sic] in 1868, creates or at least recognizes for the first time a citizenship of the United States, as distinct from that of the states.”(7) A series of judicial rulings in the 1870s substantiates this assertion. According to the ruling of the California Supreme Court in *Van Valkenburg v. Brown*:

No white person born within the limits of the United States and subject to their jurisdiction, or born without those limits and subsequently naturalized under their laws, owes his status of citizenship to the recent amendments to the Federal Constitution [the Thirteenth, Fourteenth, and Fifteenth].

The purpose of the Fourteenth Amendment of the Constitution of the United States was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States who could not be brought within the operation of the naturalization laws because native born, and whose birth, though native, had at the same time left them without the status of citizenship. Such persons were not white persons, but in the main were of African blood, who had been held in slavery in this country, or having themselves never been held in slavery, were the native-born descendants of slaves (emphasis added).(8)

The following year, the U.S. Supreme Court declared in the famous *Slaughter House Cases*:

The first section of the fourteenth article, to which our attention is more specifically invited, opens with a definition of citizenship — not only citizenship of the United States, but citizenship of the states.... The distinction between citizenship of the United States and citizenship of a state is clearly recognized and established....

Of the privileges and immunities of the citizens of the United States, and, of the privileges and immunities of the citizen of the state, and what they respectively are, we will

presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the fourteenth article of the federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.(9)

The ruling in *United States v. Susan B. Anthony* was similar:

The Fourteenth Amendment creates and defines citizenship of the United States. It had long been contended, and had been held by many learned authorities, and had never been judicially decided to the contrary, that there was no such thing as a citizen of the United States, except by first becoming a citizen of some state.... The rights of citizens of the state, as such, are not under consideration in the Fourteenth Amendment. They stand as they did before the adoption of the Fourteenth Amendment and are fully guaranteed by other provisions [i.e. the Bill of Rights].(10)

Why were the “rights of citizens of the state... not under consideration” in the Fourteenth Amendment? Simply because the sole purpose of this alleged Amendment was to create an entirely new political status in order to deal with the infusion into the legal system of a class of people who, in the words of *Dred Scott v. Sandford*, were “persons who were not recognized as [State] Citizens.”(11) Most Americans today are completely ignorant of the origin of the Fourteenth Amendment in Lincoln’s Emancipation Proclamation:

That on the 1st day of January, A.D. 1863, all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-In-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A.D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the first day above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States the following, to wit: [references to Southern States, counties, and parishes omitted], and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

It needs to be noted that the validity of this proclamation rested upon two premises: (1) that the Southern States were “in rebellion against the United States”; and (2) that the proclamation itself was “a fit and necessary war measure for suppressing said rebellion.” Lincoln himself admitted that the proclamation had “no constitutional or legal justification, except as a military measure.”(12) If the first premise of the proclamation was

false, then the second was equally spurious. As we have seen in the foregoing chapters, the alleged “rebellion” was nothing more than a ruse concocted by the radical Republicans to justify their dismantling of the Union and their war of conquest on the South.

The “rebellion” announced by Lincoln was fictitious, the war powers called into service to suppress the rebellion were fictitious, and consequently, the legal effect of the Emancipation Proclamation was equally fictitious. Once the “rebellion” was declared by Andrew Johnson to be “at an end,” the “emancipated” slaves were left in a state of limbo, since the conditions under which their “freedom” was granted no longer existed, and yet, having been born as slaves, not Citizens, they had no political status of their own upon which any common Law rights could rest. This is the reason by the Thirty-Ninth Congress passed the Act of 9 April 1866 commonly called the Civil Rights Act, the enabling clause of which read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens....(13)

It is important to note that the enjoyment of rights by “white citizens” was spoken of in this act as a pre-existing condition, just as was demonstrated later in 1873 in *United States v. Susan B. Anthony*. Such rights were described as “unalienable” in the Declaration of Independence and Congress was prevented from regulating or otherwise interfering with them in any way by the first eight Amendments of the Constitution. There was no need whatsoever of attaching another Amendment to the Constitution to protect Citizens in the free exercise of these rights, for such protection was already written into the body of the document in Article IV, Section 2, which is known as the “Comity Clause”: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.” On the other hand, a “civil right” is “a right given and protected by law, and a person’s enjoyment thereof is regulated entirely by the law that creates it.”(14) The “privileges and immunities” spoken of in the Fourteenth Amendment were derived, not from the common Law which had been brought to this continent by the first European settlers, but from the Government’s nearly unlimited jurisdiction over Federal territory and interstate commerce as set out in Article I, Section 8, Clause 17 and Article IV, Section 3, Clause 2 of the Constitution. Although “the people [Citizens] of a state are entitled to all the rights which formerly belonged to the king by his prerogative,”(15) the “privileges and immunities of citizens of the United States... are only such as arise out of the nature and essential character of the national government....”(16) In the case of *Tashiro v. Jordan*, it was stated that “citizenship of the United States does not entitle citizen to privileges and immunities of the citizen of a state, since privileges and immunities are not the same as the other.”(17) Even more recently, it was admitted in *Cleveland Raceways, Inc. v. Bowers* that “the privileges and immunities protected by the Fourteenth

Amendment... are not those fundamental privileges and immunities inherent in state citizenship but only those which owe their existence to the federal government, its national [corporate, war-time] character, its Constitution [as interpreted through the Fourteenth Amendment], or its laws.”(18)

In 1935, the Supreme Court stated in *Colgate v. Harvey* that “the Fourteenth Amendment does not create a national citizenship” but that “it has the effect of making that citizenship ‘paramount and dominant’ instead of ‘derivative and dependant’ upon state citizenship.”(19) What exactly then was “created or at least recognized for the first time” by the Fourteenth Amendment? Simply put, the Fourteenth Amendment did nothing more than establish a taxable franchise of the de facto military corporation which is now seated in the District of Columbia. It is beyond dispute that before the Civil Rights Act, there had been no such thing as a citizen of the United States in the sense given in the Fourteenth Amendment. Men were Citizens of their respective States, and then by virtue of the Union of the several States into one national body politic, they were Americans. No one in the infancy of the American Republic dreamed that such a creature as a citizen of the Federal Government would ever come into existence:

By metaphysical refinement, in examining our form of government, it might be correctly said that there is no such thing as a citizen of the United States. But constant usage — arising from convenience, and perhaps, necessity, and dating from the formation of the Confederacy — has given substantial existence to the idea which the term conveys. A citizen of any one of the States of the Union, is held to be, and called a citizen of the United States, although technically and abstractly there is no such thing.

To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions. The object then to be obtained, by the exercise of the power of naturalization, was to make citizens of the respective states.(20)

Most people confuse the “Citizen of the United States,” mentioned in the body of the Constitution with the “citizen of the United States” mentioned in the Fourteenth Amendment, and assume that since similar language is employed, they must be references to one and the same “person.” However, there is not a single law dictionary, statute or court case that would support the belief that the current “U.S. citizenship” has always been in existence and that the “person” found within its jurisdiction enjoys the same political status as the Citizen of one of the several States. In light of the fact that the general Government was the creation of the people (Citizens) of the several States, it would be impossible for a legal creation of the creation to ever be truly elevated to the status of the creator. Instead, “the Federal Civil Rights Act [of 1866, and its statutory offspring, the Fourteenth Amendment] is in derogation of the common law and must be strictly construed.”(21) It is a private license in equity, and therefore cannot be attached to anyone at the mere whim of either the U.S. Government or any of its countless agencies; it must be confined to its original intent which was to grant “low and lawless forms of humanity” (the “emancipated” slaves) the “civil right” to “enter the State” [Lincoln’s reconstructed “new nation”] to participate in the commercial system constructed on the national debt and funded by confiscated property and the graduated income tax.(22)

In his book *The Era of Reconstruction 1865-1877*, Kenneth M. Stampp wrote:

Radical idealism was in part responsible for two of the most momentous enactments of the reconstruction years: the Fourteenth Amendment to the federal Constitution which gave Negroes citizenship and promised them equal protection of the laws, and the Fifteenth Amendment which gave them the right to vote. The fact that these amendments could not have been adopted under any other circumstances, or at any other time, before or since, may suggest the crucial importance of the reconstruction era in American history. Indeed, without radical reconstruction, it would be impossible to this day for the federal government to protect Negroes from legal and political discrimination.(23)

What were the circumstances under which the Fourteenth and Fifteenth Amendments were adopted? As we saw in the previous chapter, it was “‘a state of war’ after flagrant war has ceased” when “[m]ilitary government may legally be continued.” It was a time when the States were said to have “committed suicide, so that as states they cease to exist, leaving their whole jurisdiction open to the occupation of the United States under the Constitution.” It was a time when the States had been reduced “to the condition of territories” and the disenfranchised Citizens thereof had been reduced “to abject subjection to the sway of the government.” Finally, it was “a grant of power to military authority, over civil rights and citizens, in time of peace” and “a new jurisdiction, never granted before, by which, in certain particulars and for certain purposes, the established principle that the military shall be subordinate to the civil authority is reversed.” Consequently, the continued enforcement of the provisions of the Reconstruction amendments is a clear and open declaration to the American people that they remain under martial law, or at least its more mild form of martial rule, to this day. Without this state of affairs, “it would be impossible... for the federal government to protect Negroes [more accurately, the descendants of the “emancipated” slaves] from legal and political discrimination,” because Acts of Congress (i.e. the Civil Rights Act and everything proceeding therefrom) apply only “in the District of Columbia, in Puerto Rico, in a territory or in an insular possession.”(24) It has been admitted that “the revolutionary Fourteenth Amendment... still functions as an instrument of revolution.”(25) Indeed, the “new jurisdiction” created by this bogus amendment is antithetical to the “republican form of government” which the Federal Government is bound to guarantee to the several States of the Union. However, if the States, as lawfully constituted bodies politic, do not exist, then the Union established by our forefathers also does not exist and the Government, no longer having any duties to the States to perform, is freed from all constitutional restraints which it does not impose upon itself.

As we will see in the next and final chapter, ignorance of these very important historical facts has been the political undoing of the American people who have been enticed to abandon the birthright purchased with the blood of their forefathers in favor of a form of slavery more oppressive than anything that allegedly existed in the antebellum South. We conclude here with the following observations of Charles Wallace Collins:

[The Fourteenth Amendment] is a set-back to proper government. This operation of the Fourteenth Amendment runs counter to the ideals expressed in the Preamble to the Constitution itself. It does anything but promote domestic tranquility. They [the radical Republicans during Reconstruction] knew what they intended by the vague terms of section one of the Amendment. They knew that it could be interpreted so as to extend far beyond the negro race question. They desired to nationalize all civil rights, to make the

Federal power supreme, and to bring the private life of every citizen directly under the eye of Congress.... This result was to be obtained by disenfranchising the whites and enfranchising the blacks.... It meant the death knell of the doctrine of State's rights — the ultimate nationalization of all civil rights and the consequent abolition of State control over the private rights and duties of the individual. It meant the passing over of the police power of the State, into the police power of the national government, thereby giving Congress undefined and unlimited powers whereby it would be enabled to enter fields of legislation from which hitherto it had been barred....

This would be a different matter if the Fourteenth Amendment presented to the courts only questions of law, but this is not the case. As a rule, when the Supreme Court declares a State law unconstitutional under the Amendment, what it really does is not to decide a question of law, but a question of governmental policy....

The primary purpose of the adoption of the Fourteenth Amendment was to elevate the negro to a plane of equality with the white people and to protect him in his newly given rights. In its attempt to carry out this ideal, Congress was effectually restrained by the Supreme Court. Consequently, as related to the negro race, the Amendment is negative and non-automatic. It has failed of its purpose because there is no Federal power to enforce it, and because the negroes have not been qualified to gain for themselves the ideals which it seeks to enforce. When they do become so qualified, they will have no need of the Fourteenth Amendment.(26)

#### The "New Nation" in the Twentieth Century

In his 1881 work entitled *American Bastille*, John A. Marshall described the spirit of encroachment and usurpation as follows:

When the arteries which convey the life-blood [of liberty] from the heart of the constitution to all parts of its body once become paralyzed, the most skilful treatment can never restore it to its original vigor and healthful condition. A partial recovery may be effected, but the disease remains.

Oppressive and illegal acts by one Administration may be adopted as established precedents for similar encroachments by succeeding ones; and who can gainsay the right? Surely, not the people, when they not only encourage, but are accessories in the wrong. Therefore, without a proper and conscientious regard for the majesty of the law, and the observance of personal rights, there is no security for permanence in free government (emphasis in original).(1)

Based on these principles, Republican Senator Charles Sumner predicted, "When Lincoln reinforced Fort Sumter and called for 75,000 men without the consent of Congress, it was the greatest breach ever made in the Constitution, and would hereafter give the President the liberty to declare war whenever he wished without the consent of Congress." (2) Mr. Sumner was quite correct. What most Americans today do not know is that the martial Government set into motion by Lincoln in 1861 never truly returned the Union and its Constitution to the American people.

Instead, when it incorporated under the Act of Congress of 21 February 1871,(3) the United States Government was placed "upon the same footing with that of any of the States or Territories," (4) with its own flag,(5) constitution, and internal laws (codes, rules, and regulations). It is this *de facto* corporation(6) that has continued its military subjugation

tion of the people of both North and South through its municipal franchises, the fifty "States of," and it is to this corporation that all "U.S. citizens," wherever they reside, owe "unqualified allegiance" under the terms of the Fourteenth Amendment license.(7)

It was the "executive war power" that was invented and utilized by the Lincoln Administration during the War Between the States that enabled the Wilson Administration during the First World War to enact the Trading With the Enemy Act of 1917, and it was these same powers to which Franklin Delano Roosevelt appealed when he declared a Bank Holiday on 9 March 1933, confiscated the gold from the American people, and then declared, under a deceptively amended Trading With the Enemy Act,(8) that the Government was, once again, "at war with its own citizens." (9) As the 93rd Congress admitted in its 1973 Senate Report 93-549:

Since March 9, 1933, the United States has been in a state of declared National Emergency.... This vast range of powers, taken together, confer enough authority to rule this country without reference to normal Constitutional process.

Under the powers delegated by these statutes, the President may: seize property, organize and control the means of production, seize commodities, assign military forces abroad, institute martial law, seize and control all transportation and communication, regulate the operation of private enterprise, restrict travel, and, in a plethora of particular ways, control the lives of all American citizens....(10)

The Report went on to state:

A majority of the people of the United States have lived all their lives under emergency rule. For almost 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought in force by states of National Emergency.

The United States has on the books enough Emergency Power statutes to effect the lives of American citizens in a host of all-encompassing ways.

A year later, the same Congress, in its second session, stated in its working paper entitled A Brief History of Emergency Powers in the United States:

..[I]t has been Congress' habit to delegate extensive emergency authority — which continues even when the emergency has passed —and not to set a terminating date. The United States thus has on the books at least 470 significant emergency powers statutes without time limitations delegating to the Executive extensive discretionary powers, which affect the lives of American citizens in a host of all-encompassing ways. This vast range of powers, taken together, confer enough authority to rule this country without reference to normal constitutional processes.

These laws make no provision for congressional oversight nor do they reserve to Congress a means for terminating the "temporary" emergencies which trigger them into use. No wonder the distinguished political scientist, the late Clinton Rossiter, entitled his post-World War II study on modern democratic states, "Constitutional Dictatorship." Emergency government has become the norm.(11)

In a very real sense, the non-flagrant war of Reconstruction continues to this day. Each year, the President of the United States reaffirms the state of national emergency,(12) and the "war powers" resulting from this affirmation form the foundation to every executive order and subsequent statute which is handed down to the fifty States today from the District of Columbia. It should be noted that "Congress has made little or no distinction

between a 'state of emergency' and a 'state of war.'”(13) Therefore, talk about “preserving our rights” via constitutional arguments or methods, or by electing “the right man” to office, or by asserting State sovereignty under the Tenth Amendment, or by creating new political parties (factions), is nothing more than a futile waste of valuable time and energy. As stated by William Whiting, “While war is raging, many of the rights held sacred by the Constitution —rights which cannot be violated by any acts of Congress — may and must be suspended and held in abeyance,”(14) and “None of these rights, guaranteed to peaceful citizens, by the constitution belong to them after they have become belligerents against their own government” (emphasis in original).(15) The constitutional right to own property and the constitutional protection against confiscation “without due process of law”(16) is now non-existent within the United States because “nothing in the Constitution interferes with the belligerent right of confiscation of enemy property,”(17) and “no judicial process is necessary to give the government full title thereto....”(18)

In the words of William Birkhimer, “The government of military occupation has complete control of lands and immovable property of the enemy in the occupied district. The fruits, rents, and profits issuing therefrom are therefore under the control of that government, whose officials may lawfully claim and receive them.”(19) The right of the several States to govern themselves has been superceded by a perpetual state of national emergency which “confers upon the government... the right to seize and hold conquered territory by military forces, and of instituting and maintaining military government over it, thereby suspending in part, or in whole, the ordinary civil administration,”(20) the functions of which “cease under martial law, or continue only with the sanction, or, if deemed necessary, the participation of the occupier or invader.”(21) The presence of “a military commander in a district which is the theatre of war” is a public notice to the effect that “the laws of war apply to that district,” and “by the laws of war, an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them.”(22) To put it simply, the republican form of government guaranteed to the several States by Article IV, Section 4 of the Constitution is denied to them under the laws of war. This is why politicians always refer to the “United States” as a democracy rather than a republic.(23)

According to the Supreme Court in *Dooly v. U.S.*:

We therefore do not look to the Constitution or political institutions of the conqueror for authority to establish a government for the territory of the enemy in his possession, during its military occupation, nor for the rules by which the powers of such government are regulated and limited. Such authority and such rules are derived directly from the laws of war.(24)

Just as the people of the South were subjected to military occupation and suspension of their political institutions during the Reconstruction period, the American people of both the North and South have unknowingly, though not without notice, suffered such occupation since at least 1933, as evidenced by the presence of the U.S. Army National Guard in each State. Because “martial law affects chiefly the police and collection of public revenue and taxes,”(25) the various “law enforcement” agencies within the States, Counties, and Cities serve to “police” military districts and ensure that the will of the President (“public policy”(26)) is obeyed by all within their respective jurisdictions. The people are also taxed in their enjoyment of what would normally be constitutionally pro-

tected rights, such as travel, labor, ownership of property, inheritance, marriage, etc. It is not a coincidence that the Bureau of Internal Revenue, the forerunner of today's Internal Revenue Service, was birthed by the Lincoln Administration in 1863. Although the collection of a direct tax from the people without apportionment is prohibited in the Constitution, no such prohibition exists under the laws of war:

Enforced contributions from the enemy are equally authorized whether required during the progress of the war for the sustenance and transportation of the conqueror's army, or after the conclusion thereof, as one of the terms of peace....

Those upon whom contributions are levied during the progress of war are not the armies of the enemy.... They are, as a rule, non-combatants, peaceable citizens, and corporations, all of whom the demands of the times have thrown into financial straits.(27)

Viewed in this light, the so-called Sixteenth Amendment does indeed legally establish the income tax, its dubious "ratification" and the complaints of the "tax protest movement" notwithstanding. Licenses are also required for all the above listed activities because "all intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases," except "according to agreement approved by the government, or by the highest military authority." (28) To this end, "military commanders under such circumstances [are] sometimes led to assume a licensing authority." (29)

According to Lincoln's General Orders No. 100:

Whenever feasible, martial law is carried out in cases of individual offenders by military courts....

Military jurisdiction is of two kinds: first, that which is conferred and defined by statute; second, that which is derived from the common law of war.... In the armies of the United States the first is exercised by courts-martial....(30)

In the 1867 case *Hefferman v. Porter* it was likewise declared:

The right of a military occupant to govern, implies the right to determine in what manner, and through what agency.... The municipal laws of the place may be left in operation, or suspended, and others enforced. The administration of justice, may be left in the hands of the ordinary officers of the law; or these may be suspended, and others appointed in their place. Civil rights and civil remedies may be suspended, and military laws and courts and proceedings, may be substituted for them, or new legal remedies and civil proceedings, may be introduced.(31)

More recently, the U.S. Supreme Court declared:

The jurisdiction of United States courts-martial is limited to serving in the armed forces, certain categories of reserve and retired personnel, prisoners of war... and persons employed by or accompanying the armed forces beyond the continental limits of the United States of America. Nevertheless, where martial law has been declared and the privilege [sic] of the writ of habeas corpus suspended, any civilian may find himself amenable to trial not before the regular civil courts, but by the order of or under regulations promulgated by a military commander, by one of a miscellany of ad hoc tribunals composed of officers of the armed services and usually designated as provost courts, military commissions, or military boards....(32)

In accordance with the military occupation of the States, the courts therein have been transformed from courts of constitutional law into prize tribunals under military jurisdic-

tion (courts-martial). That these tribunals are “proceedings in rem... in... revenue cases,”(33) is evidenced by the presence of the gold-fringed United States flag which, “within the discretion of the President as Commander-in-Chief of the Army and Navy,”(34) is “flown indoors, only in military courtrooms” and “is not to be carried by anyone except units of the United States Army, and the United States Army division associations.”(35) The true nature of the present-day legal system as the mere collection of war reparations from the conquered enemies of the Government is made clear in the following:

New administrative undertakings of the war and post-war years introduced the National Government permanently into fresh areas of activity. Among these [was]... in 1870 the creation, under the Attorney-General, of a Department of Justice to supervise from Washington the activities of the United States attorneys in the field.(36)

”In the field” is defined as “[a]ny place, on land or water, apart from permanent cantonments or fortifications, where military operations are being conducted.”(37) All other administrative workers who are employed or commissioned by the United States to collect reparations from citizens, such as Internal Revenue and Bureau of Alcohol, Tobacco, and Firearms (BATF) agents, are also referred to as “agents in the field.”

That this is what is really going on in the courts is kept hidden from the ignorant public by the illusion of jury trials. However, while “the right of trial by jury guaranteed by the Constitution is the right which existed under the common law at the time the Constitution was adopted,”(38) “as far as federal due process [under the Fourteenth Amendment] is concerned, the [civil] right to trial by jury only dates from May 20, 1968.”(39) Furthermore, the jury is exposed as nothing more than a formality when it is realized that the defendant is normally required to hire an attorney to represent him. The paramount allegiance of this attorney is made clear in the following:

[An attorney has] an obligation to the courts and to the public [the bondholders] no less significant than his obligation to his clients. Thus, an attorney occupies a dual position which imposes dual obligations.

His first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice [public policy], the former must yield to the latter....

Clients are also called “wards of the court” in regard to their relationship with their attorneys.(40)

For the purposes of conducting these prize courts, the American people are designated as “residents”(41) of a “State of,”(42) because “all such residents are enemies, even though not participants in the war... or even subjects or citizens of the government prosecuting the war against the State within which they reside and when military government is established.”(43) Furthermore, “the property of persons residing in the enemy’s country is deemed, in law, hostile, and subject to condemnation without any evidence as to the opinions or predilections of the owner”(44) and “the title to such real property remains in abeyance during military occupation, and until the conquest is made complete.”(45)

According to the Manual for Courts Martial, a “time of war” exists “in virtually every act conceivable by any person, against which the United States Government has made a law, rule, or regulation.”(46) As we have seen above in the admissions of the 93rd Congress, the codes, rules, and regulations promulgated by Congress under the direction

of the President acting as Commander-in-Chief are so voluminous that it is impossible for any "U.S. citizen" to understand, much less to comply with them at all times. Of course, it is not intended for the citizens to do so; indeed, the very existence of the "system" depends upon "criminal activity" to carry on its "war on crime," its "war on drugs," its "war on poverty," or any other artificial war that is concocted by the current Administration to justify the continued derogation of constitutional rights. Thus, as "public enemies,"(47) and as punishment for their imputed "low and lawless"(48) character, the people are judged to be "attainted," and as such, while still living, they are "deemed, in the language of the law, as 'civiliter mortuus.'"(49) and "can neither inherit lands or other hereditaments from [their] ancestors, nor retain those [they are] already in possession of, nor transmit them by descent to any heir...."(50) Since "a victorious army appropriates all public money,"(51) the money of the people is also seized and substituted for "war scrip" — "legal tender" paper instruments of exchange, known today as Federal Reserve Notes, which completely lack any backing in gold or silver.(52)

The United States Government even deprives the people of their lawful names via the *nom de guerre*,(53) for "an alien enemy cannot maintain an action during the war, in his own name." (54) The purpose of the imposition of this "war name" is to circumvent the Supreme Court's 1866 ruling in *Ex parte Milligan* that:

...[C]ongress cannot authorize the trial of any person, not impressed with a military character, for any infamous crime whatever, except by means of a grand jury first accusing, and a trial jury afterwards deciding the accusation. This prohibition is fatal to the military government of civilians, wherever, whenever, and under whatever circumstances attempted. Such a government cannot exist without military courts, military arrests, and military trials (emphasis added). (55)

The usage of this *persona designata*(56) alone is a clear indication that such tribunals are not lawful courts, for the common Law demands that "actions to be properly brought must be commenced and prosecuted in the proper Christian and surnames of the parties." (57) In a very real sense, then, the American people have been enslaved by the corporate United States, all the while being led to believe that they are "living in a free country." (58)

According to the laws of war, the military authority in an occupied country has the right "to search by day or night the homes of citizens.... to order the surrender of arms and stores, and to proceed to search and seize them; [and] to prohibit publications and meetings that it judges to be of a nature tending to incite and maintain disorder." (59) The military siege and subsequent summary execution without a trial of over eighty people in Waco, Texas in 1993 was a brazen exercise of the President's power under martial law to wage war against belligerent citizens, as are the many other examples of Federal tyranny which have occurred with increasing frequency in our day. It is time that Americans wake up and face the truth that the "land of the free" is a thing of the past, and that the celebration sanctioned by the United States Government each year on the Fourth of July is not the independence of the people, but its own "new birth of freedom" from the "chains" of the Constitution which was won for it by the "father" of the "new nation" — Abraham Lincoln.

In 1987, Thurgood Marshall, the first Black Supreme Court Justice, made this admission: "While the Union survived the civil war, the Constitution did not. In its place arose

a new, more promising [sic] basis for justice and equality [egalitarianism], the 14th Amendment, ensuring protection of the life, liberty, and property of all persons against deprivations without due process, and guaranteeing equal protection of the laws.”(60) Even more revealing is the following statement by George P. Fletcher:

The “original republic” — the one for which our “forefathers” fought “face to face — hand to hand” — exists only in the minds of academics and fundamentalist patriots. The republic created in 1789 is long gone. It died with 600,000 Americans killed in the Civil War. That conflict decided once and forever that the People and the States do not have the power to govern their local lives apart from the nation as a whole. The People have no power either to secede as states or to abolish the national government.

The new Constitution — the one that shapes and guides the national government and disturbs the new patriots to their core — begins to take hold in the Gettysburg Address, in which Lincoln skips over the original Constitution and reconstitutes it according to the principles of equality articulated in the Declaration of Independence. This short speech functions as the Preamble to a new charter that crystalizes after the war in the Thirteenth, Fourteenth, and Fifteenth Amendments. The Gettysburg Address signals the beginning of a new Constitution. The language is so familiar that we do not realize the implicit transformation.(61)

It is important to note that Fletcher is not someone who can be easily dismissed as an “anti-government, right-wing extremist,” but is a Law Professor at Columbia University. It was also not a mere metaphor when Fletcher referred to “the new Constitution” as distinguished from the “original Constitution.” As he stated in his article, “the new Constitution” is founded in the Reconstruction “amendments,” which are nothing more than war measures used to establish a “new jurisdiction” — “U.S. citizenship” — which can be regulated and taxed without limitation in order to prop up the debt-ridden Federal monolith. Thus we see why “public servants” and “law enforcement officers” remain unimpressed when informed by “Patriots,” “sovereign state Citizens,” “U.S. Taxpayers,” “Christian Coalitions,” or any other political faction, that they have acted “unconstitutionally.” The oath sworn by these men is to “support and defend the Constitution of the United States against all enemies, foreign and domestic.” This is no longer “the original Constitution” ratified by the several States for their own general welfare, but the gigantic mass of codes, rules, regulations, Executive Orders, international treaties (e.g. N.A.F.T.A., G.A.T.T., the United Nations charter, etc.) that have their basis in international (military) law, not the common Law. As mentioned before, it is “public policy” that is the “law” being enforced in America today in order to promote “public safety” — the “public” referring to, not the American people, but to the bondholders (“publicans”) who control the President, as well as the Congress and the entire judicial system, through the national debt created by the Lincoln Administration and legalized by the Fourteenth Amendment. This is anything but a “conspiracy,” which only the John Birch Society has uncovered, since it has been openly admitted in the “public record” for over one-hundred and thirty years — and yet the American people go about their daily lives for the most part unconcerned about their own condition, and even contributing with patriotic zeal to further their own oppression. Rather than enjoying the “more perfect Union” envisioned by our forefathers, it is obvious that we, their posterity, are instead living examples of the effectiveness of the primary weapon of conquest — deception:

...[A]llow them [the conquered] to live under their own laws, taking tribute of them, and creating within the country a government composed of a few who will keep it friendly to you.... A city used to [feigned] liberty can be more easily held by means of its citizens than in any other way....

..[T]hey must at least retain the semblance of the old forms; so that it may seem to the people that there has been no change in the institutions, even though in fact they are entirely different from the old ones. For the great majority of mankind are satisfied with appearances, as though they were realities, and are often even more influenced by the things that seem than by those that are.... [The conqueror should] not wish that the people... should have occasion to regret the loss of any of their old customs....(62)

The wording of the Act to “Provide a Government for the District of Columbia,” was as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all or part of the territory of the United States included within the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.

Democracy:

A government of the masses.

Authority derived through mass meeting or any other form of “direct” expression.

Results in mobocracy.

Attitude toward property is communistic — negating property rights.

Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard to consequences.

Results in demagogism, license, agitation, discontent, anarchy.

Republic:

Authority is derived through the election by the people of public officials best fitted to represent them.

Attitude toward property is respect for laws and individual rights and a sensible economic procedure.

Attitude toward law is the administration of justice in accord with fixed principles and established evidence, with a strict regard to consequences.

A greater number of citizens and extent of territory may be brought within its compass.

Avoids the dangerous extreme of either tyranny or mobocracy.

Results in statesmanship, liberty, reason, justice, contentment, and progress.

Is the “standard form” of government throughout the world....

Our Constitutional fathers, familiar with the strength and weakness of both autoc-

racy and democracy, with fixed principles definitely in mind, defined a representative republican form of government. They “made a very marked distinction between a republic and a democracy... and said repeatedly and emphatically that they had founded a republic” (published by the United States War Department, 30 November 1928, pages 91-92).

That public policy is not Law is seen in the following definition: “Public policy is a variable quantity; it must and does vary with the habits, capacities, and opportunities of the public” (38 Ch. Div. 359; *Chaffee v. Farmer’s Co-Op Elevator Co.*, 93 N.D. 585, 168 N.W. 616, 618).

As discussed in Footnote 3 of the Introduction of the present work, there is a very important difference between a state and a State; the former refers to a *de jure* body politic while the latter, consequent of Lincoln’s war, is a term applied to a *de facto* military district:

By the word State (spelled with a capital) is meant one of the States of the American Union. Spelled otherwise, it refers to political societies or states in general (William C. Robinson, L.L.D., *Robinson’s Elementary Law* [Yale University, 1882], footnote, page xxxiv).

Since the above quote was written post-bellum, the “States” referred to by Robinson were those political subdivisions, or franchises, of the corporate United States which were established within the boundaries of the conquered states to administer its military government and to levy direct taxes upon the people in order to make payments on the enormous debt created by Lincoln’s 5-20 and 10-40 war bonds and the national banking system. The most notable form of this taxation was the property tax, which was levied “to defray [the] expenses of Martial Law in [the] County” (property tax receipt dated 7 November 1871, Office of Special Agent, State of Texas, Limestone County). This fact is made evident in the following:

...[T]he sole invariable characteristic of the State is the economic exploitation of one class by another. In this sense, every State known to history is a class-State. Oppenheimer defines the State, in respect of its origin, as an institution “forced on a defeated group by a conquering group, with a view only to systematizing the domination of the conquered by the conquerors, and safe-guarding itself against insurrection from within and attack from without. This domination had no other final purpose than the economic exploitation of the conquered group by the victorious group” (Albert Jay Nock, *Our Enemy, the State* [1946], pages 44-45; citing Oppenheimer, *Der Staat*, chapter one).

It is important to note that the Amendment commonly known as the Thirteenth (which is really the Fourteenth, the original Thirteenth prohibiting and penalizing with loss of citizenship anyone accepting a “title of nobility”) abolishes slavery in the several States, but says nothing about the institution of such involuntary servitude within the District of Columbia or other territory subject to the jurisdiction of the United States Government in its corporate capacity. Of course, it could be argued that the suretyship imposed by the Fourteenth Amendment via “U.S. citizenship” does not violate the prohibition against slavery in the several States since it is, in truth, a gigantic trust fund which may be entered into and withdrawn from at will, and therefore constitutes voluntary, rather than involuntary, servitude. The United States Government is under no obligation to inform the American people of the true nature of this “citizenship,” or of the contractual obliga-

tions attached thereto, since “military necessity... admits of deception” (Birkhimer, Military Government, page 587).

### Conclusion

In his book, *The War Powers of the President*, William Whiting claimed, “There are no limits to the war-making powers of the President... and such rules as Congress may pass for their regulation.”(1) However, due to its arbitrary nature, martial law “ought not to be permitted in time of peace....”(2) and only continues today because of the ignorance and complacency of the American people. A nation established upon the principle of coercion will never, of its own accord, move onto a foundation of Law. It must demand “unqualified allegiance” from its citizens because it cannot allow them to think for themselves — after all, a thinking people is harder to control because they tend to resist tyranny. Having abandoned forever the concept of “inherent, natural, human rights,” which it views as “at best a useful myth in the days of yore... with all the vulnerability that this implies,”(3) such a government seats itself in the place of God, dispensing “civil rights” to its conquered subjects which it may reclaim anytime it deems it necessary — usually during a “state of emergency” which it has engineered in order to grab for more power. Knowing nothing else, such a government can only continue to resort to increased coercion to achieve its end until it has either forced the people to rebel or it collapses from its own top-heaviness:

There is no safety for honest men, but by believing all possible evil of evil men, and by acting with promptitude, decision, and steadiness on that belief....

I find, that some persons entertain other hopes, which I confess appear more specious than those by which at first so many were deluded and disarmed. They flatter themselves that the extreme misery brought upon the people by their folly, will at last open the eyes of the multitude, if not of their leaders. Much the contrary, I fear. As to the leaders in this system of imposture, you know, that cheats and deceivers never can repent. The fraudulent have no resource but in fraud. They have no other goods in their magazine. They have no virtue or wisdom in their minds, to which, in a disappointment concerning the profitable effects of fraud and cunning, they can retreat. The wearing out of an old, serves only to put them upon the invention of a new delusion. Unluckily too, the credulity of dupes is as inexhaustible as the invention of knaves. They never give the people possession; but they always keep them in hope....

Those who have been once intoxicated with power, and have derived any kind of emolument from it, even though but for one year, never can willingly abandon it. They may be distressed in the midst of all their power; but they will never look to any thing but power for their relief.(4)

The situation in America indeed looks grim, but it is not hopeless. Beneath the din of endless campaigning, petition-signing, lobbying, and scraping to a system that never changes, and indeed is incapable of change, there remains a remedy waiting to be understood and put into practice. According to Fleming v. Page:

The jurisdiction of the conqueror is complete. He may change the form of government and the laws at his pleasure, and may exercise every attribute of sovereignty. The conquered territory becomes a part of the domain of the conqueror, subject to the right of the nation to which it belonged to recapture it if they can. By reason of this right to

recapture, the title of the conqueror is not perfect until confirmed by treaty of peace....

...[T]his sovereignty, until cession by treaty, is subject to be ousted by the enemy, and therefore does not give an indefeasible title for purpose of alienation....(5)

In the words of the 1880 Institut de Droit International:

A territory is considered to be occupied where, as the result of its invasion by an enemy's force, the state to which it belongs has ceased in fact to exercise its ordinary authority within it and the invading state is alone in a position to maintain order. The extent and duration of the occupation are determined by the limits of space and time within which this state of things exists.(6)

Finally, William Birkhimer, the late authority on military government and martial law, wrote:

The government of the conqueror being de facto and not de jure in character, it must always rest upon the fact of possession, which is adverse to the former sovereign, and therefore can never be inferred or presumed. Not only must the possession be actually acquired, but it must be maintained. The moment possession is lost the rights of military occupation are also lost. By the laws and usages of nations conquest is a valid title only while the victor maintains the exclusive possession of the conquered country.

The fundamental rule [is] that to render military government legal there must be an armed force in the territory occupied capable of enforcing its "adverse possession" against all disputants....

...[B]y the laws and usages of nations, conquest is a valid title while the victor maintains exclusive possession of the conquered country....

...[A]lthough acts done in a country by an invader cannot be nullified in so far as they have produced effects during the occupation, they become inoperative so soon as the legitimate government is restored....

As under military government the conqueror rules by virtue of the sword alone, his title extends no further and lasts no longer than his physical force excludes the enemy. While he thus rules he can do with property found in the territory as either inclination or policy dictates. That which he can seize, convert to his own use on the spot, sell to others, or carry away, he can make his own absolutely. But the rule of superior force marks the limitation of his right. When he ceases to exercise that force and retires from the country all rights he had acquired over immovable property at once cease. The ancient owner, if it has been disposed of, now may return to claim and re-possess what of real property belongs to him.(7)

The de jure States of the South (and of the North) were never ceded to the United States Government as its territory, and indeed never can be. Furthermore, the Confederate States Government neither surrendered nor signed any treaty of peace with the conqueror and consequently remains the lawful government of the South, even though its offices have been unoccupied for nearly a century and a half. Though conquered and "treated in every particular... as domestic territory," the Confederate States of America nevertheless "remains a foreign country,"(8) because "from a belligerent point of view... the theatre of military government is necessarily foreign territory."(9) The United States Supreme Court, which in 1867 declared that the Secession Ordinances of each of the Southern States was "absolutely null" and that each State "continued to be... a State of the Union,"(10) would admit a decade later that "there is an essential difference between

the governments of the Confederate States and those de facto governments” which were imposed upon them during Reconstruction, when the Republican Congress “expelled the regular government [of the Confederate States] from the seats of power and the public offices, and established its own [military] functionaries in their places....”(11)

With this knowledge, we, the people of the South, as well as our Northern neighbors, may reclaim our respective States from our imperial occupier if we will but educate ourselves and our children regarding the legal basis of our own oppression and cease to enjoy the benefits which it provides. The de facto military government which occupies the seat of government in the District of Columbia has “the right to allegiance in return for protection,”(12) and “those subjected to its authority and who enjoy its benefits are bound, if need be, to support it to the utmost of their ability.” (13) Sadly, most Americans, both in the North and in the South, are more than happy to pledge such allegiance, and thereby alienate themselves from the protection of the common Law(14) in exchange for social security from “the cradle to the grave.”(15) There must be a mass exodus from the Federal “plantation” if we ever expect to see things change for the better in our lifetimes.

It has been stated, and correctly so, that “Imperialists always look on the people as sheep, to be deceived and driven.”(16) However, the blame for our condition lies not with our oppressors, but with ourselves. We, the descendants of a once proud and free people, have no idea how to take upon ourselves the awesome responsibility attached to self-government and have contented ourselves to, as Patrick Henry so eloquently stated, “lie supinely on our backs, hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot.” Nevertheless, our homeland, our institutions, and our God-given right to govern our own affairs still belong to us to reclaim, and we can, in fact, do it with the Lord’s blessing and with hearts and minds strengthened with the unquenchable love of liberty.(17) As Alexander Hamilton Stephens so long ago declared, “The cause of the South is the cause of us all.”(18) Deo Vindice.

It is important to understand the difference between suspension and abolition: “When a law is suspended, the law continues in esse, for the time being is not operative, but as soon as the power of suspension is relaxed, it goes into immediate operation” (Arroyo v. State, Tex. 69 S.W. 503, 505). Though not in force in the “new jurisdiction” created by the Lincoln Administration, continued today under the Fourteenth Amendment, the common Law, upon which the “original republic” was founded, nevertheless remains intact and will go into “immediate operation” when the American people cease to legitimize the “power of suspension” — Executive Orders and all their attendant codes, rules, and regulations — and cease to worship at the altar of Lincoln’s god of war.